



TOWN OF HUACHUCA CITY

The Sunset City

HUACHUCA CITY TOWN COUNCIL

PUBLIC MEETING NOTICE

THURSDAY, MARCH 25, 2021, AT 7:00 PM

VIA IN-PERSON ATTENDANCE AND REMOTE ACCESS

COUNCIL CHAMBERS

500 N. GONZALES BLVD.

HUACHUCA CITY, AZ 85616

SPECIAL NOTICE: BY NEW PROCLAMATION OF THE MAYOR, DUE TO SIGNIFICANT PROGRESS IN THE BATTLE AGAINST THE COVID-19 PANDEMIC, THE MAYOR AND COUNCIL WILL RESUME IN-PERSON PUBLIC MEETINGS, BUT WILL CONTINUE TO OFFER A REMOTE ACCESS FORMAT. MEMBERS OF THE PUBLIC MAY COME TO TOWN HALL TO ATTEND THESE MEETINGS OR THEY MAY ATTEND BY GOING TO [OR CALLING TO]: <https://www.facebook.com/HuachucaCityAZ> or 520-844-2096. IN ADDITION, THE MAYOR HAS RESUMED IN-PERSON CALLS TO THE PUBLIC AT THESE MEETINGS. HOWEVER, MEMBERS OF THE PUBLIC MAY STILL CHOOSE TO SUBMIT WRITTEN COMMENTS TO THE TOWN CLERK TWENTY-FOUR HOURS IN ADVANCE OF THESE MEETINGS.

ADVANCE NOTICE OF ALL MEETINGS CAN BE FOUND AT THE TOWN'S USUAL AGENDA POSTING LOCATIONS, INCLUDING THE TOWN'S WEBSITE <https://huachucacityaz.gov/>

AGENDA

A. Call to Order – Mayor

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum
- c. Invocation

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

B. Call to the Public – Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism

made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

C. Consent Agenda - Mayor

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

- C.1** Consider approval of the minutes of the Regular Council meeting held on March 11, 2021.
- C.2** Consider approval of the Payment Approval Report.
- C.3** Consider approval of the disposal of a 2010 Dodge Charger VIN# 2B3AA4CT7AH269125, 2012 Dodge Charger VIN# 2C3CDXAT6CH255677, 2003 Cadillac Deville Red 1G6KF57903U235393, 1998 Volkswagen Cabrio Black 3VWAA81E6WM813288, Toyota 4Runner White, Ford Ranger Red, Dodge Dakota White 1B7GG23Y4N5613662, and Toyota Zion Grey JTLK324164034522.

D. Unfinished Business before the Council – Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E. New Business Before Council - Mayor

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E.1 Discussion and/or Action [Suzanne Harvey]: The Council might vote to go into executive [closed] session, pursuant to A.R.S. 38-431.03(A) (1) to conduct the six-month performance evaluation of the Town Clerk, Brandye Thorpe. Following the executive session, the Council might take action regarding the Clerk's employment and compensation.

E.2 Discussion and or/Action [Town Attorney]: The Council might vote to go into executive [closed] session, pursuant to A.R.S. 38-431.03(A) (3) & (4), for legal advice, consultation and to direct its attorneys concerning the water rights adjudication in Maricopa County Case No. W1-11-0245 ["In Re the General Adjudication of All Rights to Use Water in the Gila River System and Source"]. Following the executive session, the Council might take action to direct its attorneys.

E.3 Discussion and/or Action [Spencer Forsberg]: Mr. Forsberg will review the Town's finances for the months of February and March.

E.4 Discussion only [Suzanne Harvey]: Introduction and welcoming of the Town's new Library Director.

E.5 Discussion and/or Action [Suzanne Harvey]: Council approval of a technical assistance and grant management agreement with the Southeastern Arizona Governments Organization (SEAGO) to assist the Town in managing its Community Development Block Grant [CDBG] for park improvements.

E.6 Discussion and/or Action [Suzanne Harvey]: Information about the proposed donation of an airplane to the Town for placement in one of the Town's parks.

E.7 Discussion and/or Action [Suzanne Harvey]: Council will be asked to choose colors for the painting of Town buildings.

E.8 Discussion Only [Suzanne Harvey]: Update on the progress of the Town's bus service.

E.9 Discussion Only [Jay Howe]: Supervisor Howe will present the Town's accomplishments with respect to its management of the Town landfill and solid waste disposal program during fiscal year 2020/21.

E.10 Discussion and/or Action [Mayor Wallace]: Declaration of a vacant seat on the Town Council due to the recent passing of Mayor Pro Tem, Donna Johnson. Council may direct staff on procedures for recruiting a candidate to serve on the Council until the next election in 2022.

E.11 Discussion and/or Action [Mayor Wallace]: Selection of a councilmember to assume the responsibilities of Mayor Pro Tem.

E.12 Discussion and/or Action [Clerk Thorpe]: Request for approval to begin the transition to electronic Council meeting packets.

E.13 Discussion and/or Action [Suzanne Harvey]: Consideration to not have the Town Attorney, Thomas Benavidez, present at every Council meeting.

E.14 Discussion and/or Action [Mayor Wallace]: First reading of Ordinance 2021-01 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.035 "TRAILERS/ACCESSORY VEHICLES" TO ELIMINATE THE REQUIREMENT TO REGISTER PARKING OF TRAILERS/ACCESSORY VEHICLES ON RESIDENTIAL PROPERTY AND TO ELIMINATE THE ASSOCIATED FEE.

E.15 Discussion and/or Action [Mayor Wallace]: First reading of Ordinance 2021-02 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA, MEDICAL MARIJUANA AND INDUSTRIAL HEMP; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; PROHIBITING MARIJUANA TESTING FACILITIES; REGULATING MARIJUANA ESTABLISHMENTS; ESTABLISHING

REGULATIONS FOR PERSONAL USE OF MARIJUANA AT AN INDIVIDUAL'S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA, MARIJUANA PRODUCTS AND INDUSTRIAL HEMP; REQUIRING COMPLIANCE WITH STATE LICENSING REGULATIONS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING PURPOSES; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

E.16 Discussion and or/Action [Town Attorney]: The Council might vote to go into executive [closed] session, pursuant to A.R.S. 38-431.03(A) (3) & (4), for legal advice, consultation and to direct its attorney regarding the chapter 11 bankruptcy cases involving Purdue Pharma, *et al.*, pending in the United States Bankruptcy Court for the Southern District of New York (Case No. 19-23649 (RDD)) arising out of the opioid crisis and its effects on governmental entities. Following the executive session, the Council might take action to direct its attorney concerning potential settlement.

F. Department Director reports

G. Items to be placed on future agendas

H. Reports of Current Events by Council

I. Adjournment

Posted at 5:00 PM on March 23, 2021, at the following locations:

Town Hall Bulletin Board 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Hall Lobby Windows 500 N. Gonzales Blvd. Huachuca City, AZ 85616	Town Website https://huachucacityaz.gov
Huachuca City U.S. Post Office 690 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Library Windows 506 N. Gonzales Blvd. Huachuca City, AZ 85616	Huachuca City Police Department 500 N. Gonzales Blvd. Huachuca City, AZ 85616

Ms. Brandye Thorpe

Town Clerk

Note: This meeting is open to the public. All interested people are welcome to attend. A copy of agenda background material provided to the Councilmembers, with the exception of confidential material relating to possible executive sessions, is available for public inspection at the Town Clerk's Office, 500 N. Gonzales Blvd., Huachuca City, AZ 85616, Monday through Friday from 8:00 a.m. to 5:00 p.m. or online at www.huachucacityaz.gov

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond.



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
March 11, 2021 AT 7:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

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Roll Call.

Present: Johann Wallace, Cynthia Butterworth, Keith Settlemyer, Christy Hirshberg, Debbie Trate, Jean Post, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (By phone, not voting).

Invocation led by Elder Thomas.

- d. *Special acknowledgment of the passing of the Town's Vice Mayor, Donna Johnson, and appreciation for her many years of dedicated service and devotion to the Town and its residents.*

Mayor Wallace, Jean Post, Keith Settlemyer, Cynthia Butterworth, Town Manager Harvey and Police Chief Thies speak in remembrance of Donna and her 18 years on Council serving the residents of the Town.

B. Call to the Public – Mayor

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- C.1** Consider approval of the minutes of the Regular Council meeting held on February 11, 2021.
- C.2** Consider approval of the Payment Approval Report.

Motion: Consent Agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion: Items on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

D. Unfinished Business before the Council – Mayor

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E.1 Discussion and/or Action [Spencer Forsberg]: Mr. Forsberg will review the Town's finances for the months of January and February.

Motion: Item E.1, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Mayor Wallace: Spencer could not make it tonight so this item is going to be moved to the next meeting.

E.2 Discussion and/or action [Chief Thies]: Presentation of Cochise County law enforcement officials' plan to form an accountability, transparency, and community engagement committee to inform and engage the public regarding the duties, policies, procedures, and functions of Cochise County law enforcement and legal processes. The Council might take action to appoint town representatives to the project.

Motion: Item E.2, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Chief Thies: I sat in on a webinar with the team that is initiating this, which would be the Cochise County Sheriff's Office and the County Attorney's Office. The acronym is A.C.T., Accountability, Community Engagement, and Transparency. They are a factual advocate outreach group to combine criminal law enforcement and the justice system to educate the citizens of Cochise County. They will attempt to educate all with one message. I am asking for a volunteer from the Council.

Councilmember Butterworth: I volunteer.

Motion: Appoint Cindy as the Town representative. , **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.3 Discussion Only [Chief Thies]: Presentation of the Police Department callout and activity statistics for calendar year 2020, including information concerning grant funds received and associated expenditures.

Motion: Item E.3, **Action:** Open for Discussion Only, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Chief Thies gives a slideshow presentation.

Mayor Wallace asks the timeframe for these statistics. They are for calendar year 2020.

Mayor Wallace questions the 12 traffic accidents.

Chief Thies advises these can be private property accidents as well, not just highway accidents.

Mayor Wallace asks what kinds of felony cases there were.

Chief Thies states there were drugs, aggravated DUI, and burglary cases.

Mayor Wallace states he would be curious to know the breakdown of how many of the agency assists were where we were called and requested and how many of those were that we heard it on the radio and decided to go help. The reason why is because we have a small department and depending on when it happens, we leave our own residents without local support if we were to get a call.

Councilmember Trate asks if a pedestrian contact ever leads to other investigations.

Chief Thies: Absolutely. You never know what you are going to encounter.

Councilmember Trate: Is there an area that you find people more in than others? I just didn't know if there was an area that you get more arrests or further investigation.

Chief Thies: Wherever we need to go, that's where we are going to go.

Councilmember Settlemyer: I understand that there is a lot more activity at night. Is that something that you've noticed? That they come out at night?

Chief Thies: They do come out during the day. I have pedestrian contacts in the day.

Mayor Wallace asks about the costs of ink and paper and everything involved in the TRACS equipment that was donated.

Chief Thies states the initial costs were covered by a grant. We have enough for a year.

Mayor Wallace asks about the \$110,000.00 that is deposited into the General Fund.

Manager Harvey advises it also funds our court system because the court is part of bringing that money in. It's not all profit.

E.4 Discussion and/or Action [Chief Thies]: Approval of an equipment donation agreement with Arizona Department of Public Safety for donation of used computer equipment to the Town's police department.

Motion: Item E.4, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: Chief already touched on this a little bit when he was talking about MDCs. Sgt. Thompson reached out to DPS and was able to secure 8 MDCs for the Town's use at no cost to the Town. We just have to hold on to them for 6 months. At 6 months and 1 day we can do whatever we want with them.

Chief Thies: These are approximately 3 years old, which is 2 years newer than what we have. They are better.

Motion: Equipment donation agreement with DPS, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.
Motion passed unanimously.

E.5 Discussion and/or Action [Chief Thies]: Approval to deposit \$5,000 proceeds from sale of mobile animal carrier into police department savings account.

Motion: Item E.5, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: Didn't we address this when we were originally looking at the surplus? When we surplused the vehicle, didn't we address the carrier at that same time?

Chief Thies: It wasn't part of it. The person who bought it only wanted the vehicle so the carrier sat at fleet for a couple of years. We have tried to surplus it, lowered the price. That carrier was designed specifically for that vehicle. You have to have the same vehicle to use it. Sierra Vista happens to have a vehicle and asked about the carrier. We sold it to them. I know that the funds that come in are supposed to go into the General Fund. We have a savings account for the Police Department that I am trying to build up to ensure that I can make the second year's payment on the two new vehicles. Since this was bought out of the General Fund, it needs approval to go to the Police Department savings to help with this payment.

Mayor Wallace: Since this was bought out of the General Fund, my position is that the money needs to go back into the General Fund. That's just my vote.

Motion: The deposit of \$5,000.00 proceeds from sale of mobile animal carrier into police department savings account, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Motion passed with 4 ayes and 2 nays.

E.6 Discussion and/or Action [Chief Thies]: Chief Thies will present his updated plan to establish a Citizen's Police Advisory Review Board. The Council might take action to approve the plan or it might provide direction to staff for additional changes.

Motion: Item E.6, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Chief Thies: We have the Citizen's Review Board procedures. There is also a flow chart. There is a vacancy resume and affidavit for potential board members. Attorney Benavidez and Manager Harvey were a great help.

Manager Harvey: I would point out that it is meant to fit in with the Towns complaint procedures so that it's one sort of thing, it's just an additional action for the Police Department. We wanted to be careful, that this board doesn't have any authority to take action, but that they can make recommendations to Chief, myself, and if necessary, to Council.

Attorney Benavidez: This is a new thing for the Town, we are going to put it into use and change it as we go along.

Mayor Wallace: I am totally in favor of this. I think we need to do it. I think we should move forward and revisit once it has been active for about 6 months and see how things are going. To clarify, membership is not restricted to the jurisdictional boundaries of Huachuca City. Anybody can apply.

Councilmember Settlemyer: Are there restrictions from being on the board?

Chief Thies: 18 years of age, no pending criminal charges, no past felonies, no sworn peace officers, no family members of Town of Huachuca City employees.

Motion: The plan to establish the Citizen's Police Advisory Review Board and Direct Staff to move forward with filling the vacancies, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.7 Discussion and Action [Manager Harvey]: Approval of a database access and confidentiality agreement with the Town's insurer, Southwest Risk, to gain electronic access to the Town's insurance claims records.

Motion: Item E.7, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Manager Harvey: This is something that we get through the Risk Pool. It's a free resource. What it will allow us to do is we can go in and look at trends of accidents or claims. You can break it down by department. You can do loss runs to see how much we've spent in accidents in any given year. We can also look up a claim and read the adjuster's notes. It is absolutely amazing to have all that information at your fingertips. We are looking at setting up a safety committee here in the Town to review accidents and make recommendations.

Motion: The database access and confidentiality agreement, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.8 Discussion and/or Action [Manager Harvey]: Approval of an E-RATE Program [subsidized and affordable telecommunications and internet access] provider to the Library for the next E-RATE Program cycle.

Motion: , **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: So we went through the process, went looking for RFP's through our consultant and it came back that our current provider, CenturyLink which is now Lumen, came in the lowest.

Manager Harvey: Sir, we didn't get anyone else because they all would have required special construction and we were not asking for special construction since we already had it 3 years ago. No one else responded. They are on the state approved list. The price went from \$1492.00/month to \$800/month.

Motion: The E-RATE program provider of the Library for the next E-RATE cycle, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.9 Discussion and/or Action [Clerk Thorpe]: Presentation of current fee schedule for business licenses. Council may direct staff regarding possible changes to the fee schedule.

Motion: Item E.9, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Clerk Thorpe provides Council with the current fee schedule that was approved by Council in 2018. She advises that the current fee schedule is inline with the surrounding communities. She advises that the only recommendation she has is to set clear penalties for businesses operating without licenses. Surrounding towns have already done so and we do not have anything in place.

Mayor Wallace: So what I'm hearing is that we need to look at penalties, basically fines, for operating without a license?

Clerk Thorpe: That would be my recommendation, yes.

Mayor Wallace: Let's look at setting fines, but I would like to see all of our fees, including building licenses, water/sewer shut offs, everything all in one document. In one place.

Motion: Look into establishing a fee for operating without a license and please consolidate all of the fee schedules into one single thing, **Action:** Direct Staff, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.
Motion passed unanimously.

E.10 Discussion and/or Action on the Sewer Pond Closure Project [Manager Harvey] –
Adoption of Resolution No. 2020-05 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA [WIFA] FROM ITS CLEAN WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE MANAGER OF THE TOWN; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THE LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Motion: Item E.10, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: The resolution is actually 2021-05.

Councilmember Hirshberg: Yes, and it is correct on the resolution, just not the agenda.

Mayor Wallace: This is about the WIFA sewer pond project. This is about cutting out the middle man and allowing you, Suzanne, to sign the documents.

Manager Harvey: Yes. I want to make sure you know this is a debt that we are incurring. The project itself is \$1,770,000.00. They approved a loan of that amount for us. \$531,000.00 of that is forgivable, which is great. The interest rate right now is at 2.6% but it may go lower. Our annual payment would be \$58,410.00/year of sewer fund revenue for 30 years. Last year, we had about \$89,000.00 of revenue in the sewer fund so we should have the money to cover those payments. If we can close on the 26th of March, the project will start in April or May. This has already been reviewed by Attorney Benavidez and the special council that we engaged.

Mayor Wallace: Where are we with ADEQ on this? I know there was a timeline when this was supposed to be done. That timeline is gone.

Manager Harvey: ADEQ is working with us. Right now we have our closure permit up there and all of the project is up there. Their review can take up to 180 days to be completed. They are actually going to issue us a letter saying that we can proceed with the project since we are trying to get this done, and they will do their 100 day review at the end of the project.

Motion: Resolution 2021-05, **Action:** Adopt, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.11 Discussion and/or Action [Manager Harvey]: Approval of an agreement with the Arizona Department of Housing for Community Development Block Grant funding for improvements to the Town's park facilities; and authorizing execution and delivery of all documents necessary to close the transaction, secure the funding and complete the improvements.

Motion: Item E.11, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion: The agreement with the Arizona Department of Housing for Community Development Block Grant funding, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.12 Mayor's proclamation 2021-03: Declaring the Month of March, 2021, as "Women's History Month" in the Town of Huachuca City.

Mayor Wallace reads the proclamation.

E.13 Discussion and/or Action [Clerk Thorpe]: Approval of settlement of outstanding landfill collection account with Whetstone Construction.

Motion: Item E.13, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Clerk Thorpe provided Council with a breakdown of all charges/payments and a 10%/annum penalty calculation for the account. She advises that penalties were being calculated on a 10%/month basis leaving a balance of \$49,101.74. All actual usage has already been paid.

She suggests settlement for the penalties calculated at 10%/annum in the amount of \$7430.08. Sierra Collections will receive 30% of this amount in their fees.

Councilmember Hirshberg: Attorney Benavidez, I know we can't gift anybody, but this would not be like gifting because he paid his actual fees, correct?

Attorney Benavidez: I did discuss this with Brandye and the Town has a right to settle as a Town and this is a reasonable settlement. The town is getting what it was owed plus some. This is not a gift, it is a settlement.

Motion: The settlement of outstanding landfill collection account with Whetstone Construction in the amount of \$7430.08, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

F. Department Director Reports

Manager Harvey: The Condon division of the Order of the Eastern Star usually does an Easter Egg hunt in the park. This past year it had to be cancelled, they had already paid their park fees and we said they could use it this year. They are still not comfortable actually doing an easter egg hunt so they want to go down School Drive and Yuma and hand out from flatbed trucks, so it's a parade but not really. We will coordinate with the Chief to see if we need to control traffic on those two streets only. It's on the third of April.

Our roadway assessment is about halfway done now. Interesting to me, we only had one road that got a green as in it is in good shape. I believe it is Gila that is concrete. That is the only street that meets the ADOT standards. We will have access forever.

Another resource that we get through the Risk Pool is called Triage Now and we will be setting that up in the next month. When staff has an accident, they call this number and speak to a nurse immediately. A nurse will make the determination if they need to go to the hospital, urgent care, or home and follow up with their doctor within 24 hours. This will save us money on emergency visits and also they do the initial paperwork so that our staff doesn't have to do that either which saves time for staff.

The timekeeping module has appeared, we are waiting for training so that we can start doing timekeeping electronically. All of these things are things that other companies and places are already doing and we have been behind with some of the technology. This will also reduce staff time for payroll and reduce errors in payroll.

Bus service started today. We had our very first bus rider.

Chief Thies: In the last 7 days we have gotten 4 DUIs, multiple warrant arrests and a burglary.

G. Items to be placed on future agendas

Councilmember Butterworth: That 10%/month for the landfill account, that seems excessive to me. Clerk Thorpe: We are working on revising the landfill contract and will have to post a new fee schedule when it is complete. It will be coming before Council very soon for approval.

H. Reports of Current Events by Council

I. Adjournment

Motion: 8:18pm, **Action:** Adjourn, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

Approved by Mayor Johann R. Wallace on March 25, 2021.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandye Thorpe,
Town Clerk

Seal:

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on March 11, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
10-31-100 AUTO LIEU TAX	7,839.49	71,427.66	110,974.00	39,546.34	64.4
10-31-200 REAL PROPERTY TAXES	1,682.75	66,357.58	105,326.21	38,968.63	63.0
10-31-240 FRANCHISE TAXES	407.12	6,959.92	21,300.00	14,340.08	32.7
10-31-250 CITY SALES TAXES	25,094.67	216,695.35	328,787.00	112,091.65	65.9
10-31-252 USE TAX PURCHASES	.00	.00	10,000.00	10,000.00	.0
10-31-254 USE TAX INVENTORY	.00	.00	10,000.00	10,000.00	.0
10-31-260 STATE SALES TAXES	14,183.19	130,608.18	157,371.00	26,762.82	83.0
TOTAL TAXES	49,207.22	492,048.69	743,758.21	251,709.52	66.2
<u>LICENSES AND PERMITS</u>					
10-32-100 BUILDING PERMITS	815.00	7,920.41	15,000.00	7,079.59	52.8
10-32-110 BUSINESS LICENSES	587.50	7,759.50	11,000.00	3,240.50	70.5
10-32-120 P&Z FEES	.00	2,200.00	750.00	(1,450.00)	293.3
TOTAL LICENSES AND PERMITS	1,402.50	17,879.91	26,750.00	8,870.09	66.8
<u>INTERGOVERNMENTAL REVENUE</u>					
10-33-100 STATE REVENUE SHARING	20,674.89	144,724.23	248,099.00	103,374.77	58.3
TOTAL INTERGOVERNMENTAL REVENUE	20,674.89	144,724.23	248,099.00	103,374.77	58.3
<u>CHARGES FOR SERVICE</u>					
10-34-131 POLICE PROTECTION EQUIPMENT	3.80	34.48	100.00	65.52	34.5
10-34-132 POST TRAINING REIMBURSEMENTS	.00	.00	100.00	100.00	.0
10-34-140 AUCTION PROCEEDS	6,583.00	12,463.05	20,000.00	7,536.95	62.3
10-34-150 ANIMAL SHELTER REIMBURSEMENT	.00	.00	100.00	100.00	.0
10-34-160 KENNEL FEES	46.00	305.00	1,000.00	695.00	30.5
10-34-170 ADMIN GARBAGE FEES	.00	4,127.18	10,000.00	5,872.82	41.3
10-34-530 CITY BUS FEES/DONATIONS	.00	.00	2,000.00	2,000.00	.0
TOTAL CHARGES FOR SERVICE	6,632.80	16,929.71	33,300.00	16,370.29	50.8
<u>FINES</u>					
10-35-100 POLICE FINES	10,243.20	85,814.00	105,000.00	19,186.00	81.7
10-35-110 IMPOUND FEES	1,275.00	7,705.00	6,200.00	(1,505.00)	124.3
10-35-112 TOWING FEES	245.00	2,932.00	3,100.00	168.00	94.6
10-35-120 LIBRARY FEES & FINES	1.00	2,719.24	3,200.00	480.76	85.0
TOTAL FINES	11,764.20	99,170.24	117,500.00	18,329.76	84.4

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>MISCELLANEOUS REVENUE</u>					
10-36-100 INTEREST	1.28	21,371.31	40,000.00	18,628.69	53.4
10-36-200 UNREALIZED GAIN	(10,002.96)	(15,057.73)	10,000.00	25,057.73	(150.6)
10-36-455 DONATIONS	.00	10.00	2,000.00	1,990.00	.5
10-36-500 PARKS & REC REVENUE & FEES	.00	808.00	2,400.00	1,592.00	33.7
10-36-515 YOUTH SPONSERSHIP REVENUE	.00	.00	3,000.00	3,000.00	.0
10-36-900 MISCELLANEOUS	1,580.88	9,379.72	2,500.00	(6,879.72)	375.2
10-36-901 ADMIN SERVICE FEES	.00	.00	5,000.00	5,000.00	.0
10-36-902 WORKERS' COMP REIMBURSEMENTS	.00	1,083.66	100.00	(983.66)	1083.7
10-36-903 DIESEL SALES (FIRE, SCHOOL)	.00	2,346.65	15,000.00	12,653.35	15.6
10-36-904 WILDLAND REVENUE	.00	.00	2,500.00	2,500.00	.0
10-36-907 INSURANCE CLAIMS	.00	.00	100.00	100.00	.0
10-36-908 EMPLOYEE INSURANCE CONTRIBUTIO	.00	.00	15,000.00	15,000.00	.0
10-36-910 LANDFILL LAND LEASE	47,599.42	380,795.36	702,955.00	322,159.64	54.2
10-36-911 WEAPONS & AMMO	.00	.00	20,000.00	20,000.00	.0
10-36-912 ASSET FORFEITURE	.00	.00	20,000.00	20,000.00	.0
10-36-950 RICO REVENUE(ASSET FORFEITURE)	.00	.00	8,400.00	8,400.00	.0
10-36-966 BUILDING LEASE RENT	.00	.00	15,000.00	15,000.00	.0
10-36-971 TOWER LEASE	.00	62,964.23	62,964.00	(.23)	100.0
10-36-980 INSURANCE DIVIDEND	.00	.00	29,000.00	29,000.00	.0
10-36-990 MUFFIN MONSTER REPAYMENT	.00	.00	3,500.00	3,500.00	.0
10-36-999 DAILY CASH REC OVER/SHORT ACCT	.00	.00	100.00	100.00	.0
 TOTAL MISCELLANEOUS REVENUE	 39,178.62	 463,701.20	 959,519.00	 495,817.80	 48.3

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TOWN GRANTS</u>					
10-37-165 DONATIONS - ANIMAL SHELTER	.00	.00	5,000.00	5,000.00	.0
10-37-456 DONATIONS - LIBRARY	100.00	1,440.00	3,000.00	1,560.00	48.0
10-37-457 LIBRARY GRANT	.00	5,771.00	50,000.00	44,229.00	11.5
10-37-458 SENIOR CENTER GRANT	.00	.00	25,000.00	25,000.00	.0
10-37-459 SUMMER SPLASH	.00	319.00	.00	(319.00)	.0
10-37-467 POLICE DONATIONS	.00	482.17	5,000.00	4,517.83	9.6
10-37-480 SUMMER SPLASH GRANT	.00	.00	5,000.00	5,000.00	.0
10-37-906 GRANTS - POLICE AZDOHS	.00	.00	100,000.00	100,000.00	.0
10-37-908 GRANTS - IT	.00	.00	15,000.00	15,000.00	.0
10-37-909 BUILDING REGULATION GRANT	.00	.00	10,000.00	10,000.00	.0
10-37-911 GRANTS - POLICE AZGOHS	.00	.00	50,000.00	50,000.00	.0
10-37-913 USDA EQUIPMENT GRANT	.00	.00	60,000.00	60,000.00	.0
10-37-919 CITY BUS GRANT	.00	.00	50,000.00	50,000.00	.0
10-37-920 GENERAL ADMIN GRANT	.00	.00	50,000.00	50,000.00	.0
10-37-921 POLICE GRANT	.00	13,358.60	.00	(13,358.60)	.0
10-37-925 MISC GRANTS	.00	94,500.00	150,000.00	55,500.00	63.0
10-37-926 COVID-19 GRANTS	.00	(4.55)	250,000.00	250,004.55	.0
10-37-927 CARES ACT GRANT	.00	199,305.00	.00	(199,305.00)	.0
10-37-963 E-RATE	.00	.00	150,000.00	150,000.00	.0
10-37-965 SCBA GRANT	.00	.00	200,000.00	200,000.00	.0
10-37-966 SEWER POND PROJECT	.00	.00	2,000,000.00	2,000,000.00	.0
10-37-967 LANDFILL GRANT	.00	.00	15,000.00	15,000.00	.0
10-37-968 PUBLIC WORKS GRANT	.00	.00	20,000.00	20,000.00	.0
10-37-969 COURT GRANT	.00	.00	10,000.00	10,000.00	.0
 TOTAL TOWN GRANTS	 100.00	 315,171.22	 3,223,000.00	 2,907,828.78	 9.8
 TOTAL FUND REVENUE	 128,960.23	 1,549,625.20	 5,351,926.21	 3,802,301.01	 29.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>COUNCIL</u>					
10-42-100 PERSONNEL SERVICES	900.00	6,300.00	10,800.00	4,500.00	58.3
10-42-130 EMPLOYEE BENEFITS	71.03	503.33	930.00	426.67	54.1
10-42-220 ATTORNEY FEES	4,105.00	23,057.62	40,000.00	16,942.38	57.6
10-42-250 ADVERTISING	.00	.00	1,500.00	1,500.00	.0
10-42-290 OFFICE SUPPLIES	.00	45.92	200.00	154.08	23.0
10-42-530 COMMUNITY RELATIONS	127.80	147.24	100.00	(47.24)	147.2
10-42-640 MEMBERSHIP LEAGUE	.00	627.00	5,720.00	5,093.00	11.0
10-42-660 TRAVEL AND TRAINING	.00	.00	1,300.00	1,300.00	.0
10-42-670 BLDG LEASE PAYMENT	.00	214.47	.00	(214.47)	.0
TOTAL COUNCIL	5,203.83	30,895.58	60,550.00	29,654.42	51.0

<u>GENERAL ADMINISTRATION</u>					
10-43-100 PERSONNEL SERVICES	9,533.98	101,626.71	165,000.00	63,373.29	61.6
10-43-102 NEW HIRE	.00	360.00	150.00	(210.00)	240.0
10-43-105 OVERTIME	.00	1,291.09	250.00	(1,041.09)	516.4
10-43-130 EMPLOYEE BENEFITS	1,702.31	17,721.16	49,315.21	31,594.05	35.9
10-43-250 ADVERTISING	.00	1,980.62	4,000.00	2,019.38	49.5
10-43-271 TELEPHONE	.00	4,722.30	8,600.00	3,877.70	54.9
10-43-280 INSURANCE	32.80	6,571.60	50,000.00	43,428.40	13.1
10-43-290 OFFICE SUPPLIES	66.84	4,520.88	6,000.00	1,479.12	75.4
10-43-300 PRINTING	.00	(183.18)	1,000.00	1,183.18	(18.3)
10-43-340 UTILITIES	682.10	4,455.91	8,000.00	3,544.09	55.7
10-43-360 CONTRACT LABOR	1,650.00	2,999.37	1,700.00	(1,299.37)	176.4
10-43-440 POSTAGE	.00	790.06	3,500.00	2,709.94	22.6
10-43-470 VEHICLE EXPENSE	.00	.00	600.00	600.00	.0
10-43-475 FUEL EXPENSE	8.79	8.79	600.00	591.21	1.5
10-43-480 COMPUTER EXPENSE	801.95	11,385.70	8,000.00	(3,385.70)	142.3
10-43-500 BUILDING MAINTENANCE	209.10	729.09	4,000.00	3,270.91	18.2
10-43-610 EQUIPMENT MAINTENANCE	.00	.00	250.00	250.00	.0
10-43-640 MEMBERSHIP	64.00	1,512.00	2,500.00	988.00	60.5
10-43-650 AUDIT	1,625.00	33,720.06	35,750.00	2,029.94	94.3
10-43-660 TRAVEL AND TRAINING	355.00	978.00	4,000.00	3,022.00	24.5
10-43-671 BLDG LEASE PAYMENT	.00	7,572.50	18,000.00	10,427.50	42.1
10-43-690 ELECTION SUPPLIES	.00	2,611.49	8,000.00	5,388.51	32.6
10-43-703 CODIFYING/DIGITIZING	.00	.00	2,100.00	2,100.00	.0
10-43-705 DEBT:CAP LEASE EXP (830 AZ ST)	.00	24,273.63	10,000.00	(14,273.63)	242.7
10-43-840 CAPITAL OUTLAY - EQUIPMENT	484.36	484.36	1,000.00	515.64	48.4
10-43-850 DEBT: HURF REPAYMENT	.00	.00	4,200.00	4,200.00	.0
TOTAL GENERAL ADMINISTRATION	17,216.23	230,132.14	396,515.21	166,383.07	58.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MAGISTRATE</u>					
10-45-100 PERSONNEL SERVICES	1,616.00	13,736.00	21,008.00	7,272.00	65.4
10-45-105 OVERTIME	.00	.00	250.00	250.00	.0
10-45-120 PROSECUTION FEES	506.00	2,344.31	4,500.00	2,155.69	52.1
10-45-130 EMPLOYEE BENEFITS	661.29	5,320.87	7,850.00	2,529.13	67.8
10-45-221 COURT APPT ATTORNEYS	880.00	3,000.00	4,000.00	1,000.00	75.0
10-45-250 CONTRACT LABOR-PRO TEM	.00	460.00	1,000.00	540.00	46.0
10-45-290 OFFICE SUPPLIES	66.75	112.22	200.00	87.78	56.1
10-45-360 CONTRACT LABOR-JUDGE	1,200.00	8,610.00	14,400.00	5,790.00	59.8
10-45-361 CONTRACT LABOR - SECURITY	300.00	5,818.00	9,760.00	3,942.00	59.6
10-45-480 COMPUTER EXPENSE	.00	1,226.64	2,750.00	1,523.36	44.6
10-45-660 TRAVEL/TRAINING	.00	.00	1,500.00	1,500.00	.0
10-45-810 JAIL FEES	875.25	1,511.37	4,000.00	2,488.63	37.8
TOTAL MAGISTRATE	6,105.29	42,139.41	71,218.00	29,078.59	59.2
<u>IT</u>					
10-48-210 SUBSCRIPTIONS	.00	10,269.42	36,765.00	26,495.58	27.9
10-48-275 CELL PHONE	.00	8,016.23	19,680.00	11,663.77	40.7
10-48-804 SOFTWARE LICENSING	.00	.00	100.00	100.00	.0
10-48-840 CAPITAL OUTLAY	1,961.79	1,961.79	7,750.00	5,788.21	25.3
TOTAL IT	1,961.79	20,247.44	64,295.00	44,047.56	31.5

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>POLICE</u>					
10-51-100 PERSONNEL SERVICES	21,533.70	185,341.05	308,000.00	122,658.95	60.2
10-51-105 OVERTIME	780.00	7,170.30	8,000.00	829.70	89.6
10-51-110 UNIFORM EXPENSE	250.00	1,875.00	3,100.00	1,225.00	60.5
10-51-130 EMPLOYEE BENEFITS	5,677.89	49,538.64	111,000.00	61,461.36	44.6
10-51-135 PUBLIC SAFETY RETIREMENT	2,695.78	23,244.16	50,000.00	26,755.84	46.5
10-51-222 SEACOM/CCSO CONTRACT	.00	40,975.00	81,950.00	40,975.00	50.0
10-51-230 PROFESSIONAL SERVICES	.00	719.14	3,500.00	2,780.86	20.6
10-51-240 PROSECUTION FEES	506.00	2,469.50	4,500.00	2,030.50	54.9
10-51-271 TELEPHONE	.00	2,215.97	5,200.00	2,984.03	42.6
10-51-290 OFFICE SUPPLIES	.00	579.07	1,000.00	420.93	57.9
10-51-295 PRINTING EXPENSE	.00	290.21	1,225.00	934.79	23.7
10-51-340 UTILITIES	.00	2,230.65	6,000.00	3,769.35	37.2
10-51-360 CONTRACT LABOR	45.50	540.50	.00	(540.50)	.0
10-51-460 MAINTENANCE AND SUPPLIES	234.91	4,953.12	1,200.00	(3,753.12)	412.8
10-51-463 MEDICINE/VACCINE	.00	302.36	2,000.00	1,697.64	15.1
10-51-466 WEAPONS AND AMMUNITION	.00	820.51	600.00	(220.51)	136.8
10-51-467 SV CONTRACT PAYMENT	.00	.00	4,000.00	4,000.00	.0
10-51-470 VEHICLE EXPENSE	2,502.53	14,862.09	11,000.00	(3,862.09)	135.1
10-51-475 POLICE FUEL EXPENSE	971.54	6,408.46	13,400.00	6,991.54	47.8
10-51-480 COMPUTER EXPENSE	495.00	495.00	1,000.00	505.00	49.5
10-51-505 POLICE VEHICLE IMPOUND FEE	250.00	3,761.50	2,210.00	(1,551.50)	170.2
10-51-510 IMPOUND ADMIN	(450.00)	(3,600.00)	.00	3,600.00	.0
10-51-620 EQUIP REPAIR AND MAINTENANCE	.00	4,760.09	8,300.00	3,539.91	57.4
10-51-640 MEMBERSHIP	.00	.00	400.00	400.00	.0
10-51-660 TRAVEL AND TRAINING	.00	2,026.63	2,500.00	473.37	81.1
10-51-665 COMMUNITY RELATIONS	.00	.00	1,000.00	1,000.00	.0
10-51-705 CAPITAL LEASE	126.72	1,055.93	3,100.00	2,044.07	34.1
10-51-840 POLICE CAPITAL OUTLAY	5,241.00	5,241.00	4,900.00	(341.00)	107.0
10-51-841 VEHICLE LEASE	.00	27,046.78	28,000.00	953.22	96.6
10-51-856 BODY WORN CAMERA PROGRAM	.00	.00	4,500.00	4,500.00	.0
10-51-857 ASSET FORFEITURE EXPENSES	.00	780.00	.00	(780.00)	.0
TOTAL POLICE	40,860.57	386,102.66	671,585.00	285,482.34	57.5
<u>ANIMAL SHELTER</u>					
10-52-100 PERSONNEL SERVICES	1,944.01	20,652.66	.00	(20,652.66)	.0
10-52-105 OVERTIME	.00	108.00	.00	(108.00)	.0
10-52-130 EMPLOYEE BENEFITS	853.29	7,580.48	.00	(7,580.48)	.0
10-52-310 INSURANCE	.00	22.34	.00	(22.34)	.0
10-52-460 MAINTENANCE AND SUPPLIES	88.10	88.10	.00	(88.10)	.0
10-52-463 MEDICE/VACCINE	.00	290.00	.00	(290.00)	.0
10-52-475 FUEL EXPENSE	.00	211.14	.00	(211.14)	.0
TOTAL ANIMAL SHELTER	2,885.40	28,952.72	.00	(28,952.72)	.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>FIRE</u>					
10-53-340 UTILITIES	2,040.48	6,735.91	12,000.00	5,264.09	56.1
10-53-360 CONTRACTED PERSONNEL SERVICES	.00	307,849.25	410,000.00	102,150.75	75.1
10-53-366 INSURANCE	.00	402.12	3,200.00	2,797.88	12.6
10-53-470 VEHICLE EXPENSE	.00	237.25	.00	(237.25)	.0
TOTAL FIRE	2,040.48	315,224.53	425,200.00	109,975.47	74.1
<u>BUILDING REGULATION</u>					
10-54-360 CONTRACT LABOR	4,400.00	33,900.00	55,000.00	21,100.00	61.6
10-54-760 BLDG REGULATION SUPPLIES	.00	347.77	600.00	252.23	58.0
10-54-801 ABATEMENT	.00	.00	1,020.00	1,020.00	.0
TOTAL BUILDING REGULATION	4,400.00	34,247.77	56,620.00	22,372.23	60.5
<u>PUBLIC WORKS</u>					
10-57-100 PERSONNEL SERVICES	1,403.83	9,862.14	14,585.00	4,722.86	67.6
10-57-105 OVERTIME	42.66	395.54	500.00	104.46	79.1
10-57-110 UNIFORM EXPENSE	138.95	2,288.39	1,450.00	(838.39)	157.8
10-57-130 EMPLOYEE BENEFITS	435.89	3,436.96	9,762.00	6,325.04	35.2
10-57-280 INSURANCE	.00	196.60	1,555.00	1,358.40	12.6
10-57-340 UTILITIES	.00	22,058.04	30,000.00	7,941.96	73.5
10-57-360 CONTRACT LABOR	.00	.00	1,000.00	1,000.00	.0
10-57-460 MAINTENANCE AND SUPPLIES	394.71	2,615.17	1,750.00	(865.17)	149.4
10-57-475 FUEL EXPENSE	21.72	666.66	1,000.00	333.34	66.7
10-57-610 EQUIPMENT MAINTENANCE	252.07	1,986.98	10,000.00	8,013.02	19.9
TOTAL PUBLIC WORKS	2,689.83	43,506.48	71,602.00	28,095.52	60.8
<u>CITY POOL</u>					
10-58-100 PERSONNEL SERVICES	.00	7,764.90	10,144.00	2,379.10	76.6
10-58-130 EMPLOYEE BENEFITS	.00	1,055.51	1,008.00	(47.51)	104.7
10-58-270 PHONE	.00	.00	100.00	100.00	.0
10-58-340 UTILITIES	.00	2,691.27	6,800.00	4,108.73	39.6
10-58-460 MAINTENANCE AND SUPPLIES	346.01	2,069.99	2,600.00	530.01	79.6
10-58-660 CERTIFYING	.00	.00	300.00	300.00	.0
TOTAL CITY POOL	346.01	13,581.67	20,952.00	7,370.33	64.8

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SUMMER SPLASH</u>					
10-59-100 PERSONNEL SERVICES	.00	.00	4,500.00	4,500.00	.0
10-59-130 EMPLOYEE BENEFITS	.00	.00	250.00	250.00	.0
10-59-460 SUPPLIES	.00	132.85	200.00	67.15	66.4
TOTAL SUMMER SPLASH	.00	132.85	4,950.00	4,817.15	2.7
<u>PARKS & RECREATION</u>					
10-60-460 MAINTENANCE AND SUPPLIES	59.06	1,411.65	1,460.00	48.35	96.7
10-60-530 COMMUNITY RELATIONS/JULY 4TH	.00	.00	10,000.00	10,000.00	.0
10-60-704 SPECIAL ACTIVITIES	.00	273.06	800.00	526.94	34.1
TOTAL PARKS & RECREATION	59.06	1,684.71	12,260.00	10,575.29	13.7
<u>LIBRARY AND COMMUNITY SERVICES</u>					
10-62-100 PERSONNEL SERVICES	4,344.23	43,124.96	86,091.00	42,966.04	50.1
10-62-105 OVERTIME	.00	6.30	.00	6.30	.0
10-62-130 EMPLOYEE BENEFITS	972.56	6,632.86	9,007.00	2,374.14	73.6
10-62-271 TELEPHONE	.00	1,082.01	2,100.00	1,017.99	51.5
10-62-280 INSURANCE	.00	44.68	400.00	355.32	11.2
10-62-290 OFFICE SUPPLIES	17.19	17.19	1,000.00	982.81	1.7
10-62-340 UTILITIES	510.86	1,979.16	10,600.00	8,620.84	18.7
10-62-366 INMATE/JANITORIAL	.00	910.00	1,300.00	390.00	70.0
10-62-460 MAINTENANCE AND SUPPLIES	150.03	425.01	750.00	324.99	56.7
10-62-476 FUEL	.00	39.33	40.00	.67	98.3
10-62-480 COMPUTER EXPENSE	.00	750.00	1,500.00	750.00	50.0
10-62-481 INTERNET	.00	.00	3,800.00	3,800.00	.0
10-62-620 VEHICLE REPAIR & MAINT	.00	.00	200.00	200.00	.0
10-62-621 DEBT: E-RATE	900.00	8,575.00	9,000.00	425.00	95.3
10-62-660 TRAVEL AND TRAINING	.00	.00	500.00	500.00	.0
10-62-703 COMMUNITY RELATIONS	.00	297.00	.00	297.00	.0
10-62-705 CAPITAL OUTLAY	121.20	1,685.08	3,700.00	2,014.92	45.5
TOTAL LIBRARY AND COMMUNITY SERVICES	7,016.07	65,568.58	129,988.00	64,419.42	50.4
<u>CITY BUS</u>					
10-65-280 INSURANCE	.00	80.42	700.00	619.58	11.5
10-65-480 BUS LINE EXP	.00	.00	2,000.00	2,000.00	.0
TOTAL CITY BUS	.00	80.42	2,700.00	2,619.58	3.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SENIOR CENTER</u>					
10-68-290 SUPPLIES	.00	226.16	1,650.00	1,423.84	13.7
10-68-340 UTILITIES	.00	1,530.63	4,800.00	3,269.37	31.9
10-68-462 PEST CONTROL	.00	160.50	550.00	389.50	29.2
TOTAL SENIOR CENTER	.00	1,917.29	7,000.00	5,082.71	27.4
<u>TOWN GRANTS</u>					
10-69-800 ANIMAL CONTROL DONATIONS EXP	.00	.00	5,000.00	5,000.00	.0
10-69-802 LIBRARY DONATIONS EXP	.00	.00	3,000.00	3,000.00	.0
10-69-803 IT GRANT EXP	.00	.00	15,000.00	15,000.00	.0
10-69-804 MISC EXP	.00	.00	225,000.00	225,000.00	.0
10-69-805 BUILDING REGULATION EXP	.00	.00	10,000.00	10,000.00	.0
10-69-806 LIBRARY GRANTS EXP	4,429.66	6,218.19	50,000.00	43,781.81	12.4
10-69-807 SENIOR CENTER GRANT EXP	.00	.00	50,000.00	50,000.00	.0
10-69-808 SUMMER SPLASH GRANT EXP	.00	.00	5,000.00	5,000.00	.0
10-69-809 EDA GRANTS EXP	.00	.00	25,000.00	25,000.00	.0
10-69-810 E-RATE EXP	1,490.37	10,988.92	150,000.00	139,011.08	7.3
10-69-811 FOOD PANTRY DONATION EXP	.00	.00	2,000.00	2,000.00	.0
10-69-813 CITY BUS GRANT EXP	.00	1,540.16	50,000.00	48,459.84	3.1
10-69-814 LANDFILL GRANT EXP	.00	.00	15,000.00	15,000.00	.0
10-69-815 PUBLIC WORKS GRANT EXP	.00	.00	20,000.00	20,000.00	.0
10-69-816 COURT GRANT EXP	.00	.00	10,000.00	10,000.00	.0
10-69-845 POLICE GRANT EXP	.00	3,974.20	30,000.00	26,025.80	13.3
10-69-846 AZDOHS GRANT EXPENDITURES	.00	.00	53,491.00	53,491.00	.0
10-69-847 AZGOHS GRANT EXPENDITURES	.00	2,515.99	31,000.00	28,484.01	8.1
10-69-849 BUS LINE EXP	851.32	6,468.00	75,000.00	68,532.00	8.6
10-69-850 SCBA GRANT EXP	.00	.00	200,000.00	200,000.00	.0
10-69-851 USDA EQUIPMENT GRANT	.00	.00	60,000.00	60,000.00	.0
10-69-854 WIFA LOAN	.00	.00	2,000,000.00	2,000,000.00	.0
10-69-855 EMERGENCY SIGNAL CONTRACT SERV	52,376.42	147,048.89	22,000.00	(125,048.89)	668.4
10-69-856 COVID-19 GRANT EXP	.00	4,683.65	250,000.00	245,316.35	1.9
TOTAL TOWN GRANTS	59,147.77	183,438.00	3,356,491.00	3,173,053.00	5.5
TOTAL FUND EXPENDITURES	149,932.33	1,397,852.25	5,351,926.21	3,954,073.96	26.1
NET REVENUE OVER EXPENDITURES	(20,972.10)	151,772.95	.00	(151,772.95)	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

POLICE - DHS GRANT - BP OT

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>REVENUE</u>					
12-30-800	DHS GRANT BP O/T	7,420.10	12,701.62	185,000.00	172,298.38	6.9
	TOTAL REVENUE	7,420.10	12,701.62	185,000.00	172,298.38	6.9
	TOTAL FUND REVENUE	7,420.10	12,701.62	185,000.00	172,298.38	6.9

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

POLICE - DHS GRANT - BP OT

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
12-40-130 EMPLOYEE BENEFITS	414.93	2,040.26	185,000.00	182,959.74	1.1
12-40-131 DUI TASK FORCE OVER TIME	180.00	3,663.72	.00	(3,663.72)	.0
12-40-135 PUBLIC SAFETY RETIREMENT	187.13	1,402.94	.00	(1,402.94)	.0
12-40-840 AUTHORIZED EXPENDITURES	1,079.28	6,061.80	.00	(6,061.80)	.0
TOTAL EXPENDITURES	1,861.34	13,168.72	185,000.00	171,831.28	7.1
TOTAL FUND EXPENDITURES	1,861.34	13,168.72	185,000.00	171,831.28	7.1
NET REVENUE OVER EXPENDITURES	5,558.76	(467.10)	.00	467.10	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

		TRUST FUND				
		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>						
20-30-200	FINES AND BAILS	14,198.35	139,439.81	174,000.00	34,560.19	80.1
20-30-300	BONDS	.00	.00	100.00	100.00	.0
20-30-400	RESTITUTION	.00	.00	100.00	100.00	.0
20-30-500	JCEF	.00	.00	100.00	100.00	.0
TOTAL REVENUE		14,198.35	139,439.81	174,300.00	34,860.19	80.0
TOTAL FUND REVENUE		14,198.35	139,439.81	174,300.00	34,860.19	80.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>EXPENDITURES</u>					
20-40-200	FINES AND BAILS	18,382.60	142,743.51	174,100.00	31,356.49	82.0
20-40-400	RESTITUTION	.00	16.81	.00	(16.81)	.0
20-40-401	BOND	.00	.00	100.00	100.00	.0
20-40-500	JCEF	.00	.00	100.00	100.00	.0
	TOTAL EXPENDITURES	18,382.60	142,760.32	174,300.00	31,539.68	81.9
	TOTAL FUND EXPENDITURES	18,382.60	142,760.32	174,300.00	31,539.68	81.9
	NET REVENUE OVER EXPENDITURES	(4,184.25)	(3,320.51)	.00	3,320.51	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

VOL FIREFIGHTER PENSION FUND

		<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>PCNT</u>
	<u>REVENUE</u>					
22-30-100	INTEREST REVENUE	.00	.00	600.00	600.00	.0
	TOTAL REVENUE	.00	.00	600.00	600.00	.0
	TOTAL FUND REVENUE	.00	.00	600.00	600.00	.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

VOL FIREFIGHTER PENSION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
22-40-800 MISCELLANEOUS EXPENSE	599.00	599.00	600.00	1.00	99.8
TOTAL EXPENDITURES	599.00	599.00	600.00	1.00	99.8
TOTAL FUND EXPENDITURES	599.00	599.00	600.00	1.00	99.8
NET REVENUE OVER EXPENDITURES	(599.00)	(599.00)	.00	599.00	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

ROAD USER FUND

		<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>PCNT</u>
	<u>REVENUE</u>					
23-30-300	GAS TAX REVENUES - HURF	14,365.29	127,980.96	150,677.00	22,696.04	84.9
23-30-320	HURF REPAYMENT	.00	.00	17,000.00	17,000.00	.0
23-30-800	MISCELLANEOUS REVENUE	.00	.00	100.00	100.00	.0
	TOTAL REVENUE	<u>14,365.29</u>	<u>127,980.96</u>	<u>167,777.00</u>	<u>39,796.04</u>	<u>76.3</u>
	TOTAL FUND REVENUE	<u>14,365.29</u>	<u>127,980.96</u>	<u>167,777.00</u>	<u>39,796.04</u>	<u>76.3</u>

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

ROAD USER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ROAD USERS ADMIN</u>					
23-40-100 PERSONNEL SERVICES	.00	.00	46,000.00	46,000.00	.0
23-40-130 EMPLOYEE BENEFITS	.00	.00	25,000.00	25,000.00	.0
23-40-460 MAINTENANCE AND SUPPLIES	393.78	2,273.45	6,000.00	3,726.55	37.9
23-40-470 VEHICLE EXPENSE	.00	.00	2,500.00	2,500.00	.0
23-40-475 FUEL	.00	.00	1,080.00	1,080.00	.0
23-40-490 ROAD REPAIR	1,453.10	1,453.10	56,472.00	55,018.90	2.6
23-40-610 EQUIPMENT REPAIR	.00	3,728.56	5,000.00	1,271.44	74.6
23-40-831 CAPITAL OUTLAY	.00	.00	25,725.00	25,725.00	.0
 TOTAL ROAD USERS ADMIN	 1,846.88	 7,455.11	 167,777.00	 160,321.89	 4.4
 TOTAL FUND EXPENDITURES	 1,846.88	 7,455.11	 167,777.00	 160,321.89	 4.4
 NET REVENUE OVER EXPENDITURES	 12,518.41	 120,525.85	 .00	 (120,525.85)	 .0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

		STATE HURF				
		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>						
28-30-300	STATE HURF	.00	.00	161,448.00	161,448.00	.0
	TOTAL REVENUE	.00	.00	161,448.00	161,448.00	.0
	TOTAL FUND REVENUE	.00	.00	161,448.00	161,448.00	.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

STATE HURF

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>STATE HURF EXPENDITURES</u>					
28-40-122 MISC. EXPENSE	.00	.00	161,448.00	161,448.00	.0
TOTAL STATE HURF EXPENDITURES	.00	.00	161,448.00	161,448.00	.0
TOTAL FUND EXPENDITURES	.00	.00	161,448.00	161,448.00	.0
NET REVENUE OVER EXPENDITURES	.00	.00	.00	.00	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
51-30-100 INTEREST EARNINGS	.00	.00	220.00	220.00	.0
51-30-200 WATER SALES	28,061.76	283,732.43	325,000.00	41,267.57	87.3
51-30-202 RC: RECONNECT FEE	.00	800.00	1,000.00	200.00	80.0
51-30-203 WTO: WATER TURN ON FEE	.00	79.00	.00	(79.00)	.0
51-30-300 CONNECTION FEES	75.00	1,120.00	1,000.00	(120.00)	112.0
51-30-400 PENALTIES & FORFEITURES	.00	80.00	6,000.00	5,920.00	1.3
51-30-900 MISCELLANEOUS	.00	25.00	250.00	225.00	10.0
 TOTAL REVENUE	 28,136.76	 285,836.43	 333,470.00	 47,633.57	 85.7
 TOTAL FUND REVENUE	 28,136.76	 285,836.43	 333,470.00	 47,633.57	 85.7

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>WATER EXPENDITURES</u>					
51-40-100 PERSONNEL SERVICES	5,345.18	43,407.19	71,000.00	27,592.81	61.1
51-40-105 OVERTIME	191.97	1,780.22	3,400.00	1,619.78	52.4
51-40-107 STAND BY TIME	.00	.00	4,160.00	4,160.00	.0
51-40-110 UNIFORM EXPENSE	138.96	536.93	2,400.00	1,863.07	22.4
51-40-130 EMPLOYEE BENEFITS	1,797.86	15,277.87	35,000.00	19,722.13	43.7
51-40-280 INSURANCE	.00	393.18	3,110.00	2,716.82	12.6
51-40-290 OFFICE SUPPLIES	.00	.00	2,000.00	2,000.00	.0
51-40-340 UTILITIES	.00	15,157.92	47,200.00	32,042.08	32.1
51-40-360 CONTRACT LABOR	500.00	8,260.00	8,000.00	(260.00)	103.3
51-40-370 SALES TAX	.00	3,833.72	30,000.00	26,166.28	12.8
51-40-440 POSTAGE	.00	790.06	3,400.00	2,609.94	23.2
51-40-460 MAINTENANCE & SUPPLIES	1,367.89	12,556.78	25,000.00	12,443.22	50.2
51-40-470 VEHICLE EXPENSE	.00	5,095.51	12,000.00	6,904.49	42.5
51-40-475 FUEL EXPENSE	208.86	5,545.26	14,000.00	8,454.74	39.6
51-40-480 COMPUTER EXPENSE	.00	25.75	200.00	174.25	12.9
51-40-510 WATER TESTS	163.93	463.93	7,500.00	7,036.07	6.2
51-40-610 EQUIPMENT MAINTENANCE	359.17	16,735.86	19,000.00	2,264.14	88.1
51-40-650 PROFESSIONAL SERVICES	406.25	40,634.80	30,000.00	(10,634.80)	135.5
51-40-660 TRAVEL	.00	.00	1,000.00	1,000.00	.0
51-40-840 WATER CAPITAL OUTLAY	.00	.00	15,000.00	15,000.00	.0
51-40-900 BAD DEBT EXPENSE	.00	.00	100.00	100.00	.0
 TOTAL WATER EXPENDITURES	 10,480.07	 170,494.98	 333,470.00	 162,975.02	 51.1
 TOTAL FUND EXPENDITURES	 10,480.07	 170,494.98	 333,470.00	 162,975.02	 51.1
 NET REVENUE OVER EXPENDITURES	 17,656.69	 115,341.45	 .00	 (115,341.45)	 .0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

SEWER FUND

		<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>PCNT</u>
	<u>REVENUE</u>					
52-30-100	INTEREST EARNINGS	.00	.00	200.00	200.00	.0
52-30-200	SEWER SERVICES	19,879.31	177,715.39	229,160.00	51,444.61	77.6
52-30-300	CONNECTION FEES	.00	.00	1,000.00	1,000.00	.0
	TOTAL REVENUE	<u>19,879.31</u>	<u>177,715.39</u>	<u>230,360.00</u>	<u>52,644.61</u>	<u>77.2</u>
	TOTAL FUND REVENUE	<u>19,879.31</u>	<u>177,715.39</u>	<u>230,360.00</u>	<u>52,644.61</u>	<u>77.2</u>

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

SEWER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SEWER EXPENDITURES</u>					
52-40-100 PERSONNEL SERVICES	8,663.89	69,355.48	76,000.00	6,644.52	91.3
52-40-105 OVERTIME	191.97	1,780.19	3,200.00	1,419.81	55.6
52-40-107 STAND BY TIME	.00	.00	4,160.00	4,160.00	.0
52-40-110 UNIFORM EXPENSE	138.96	684.73	1,000.00	315.27	68.5
52-40-130 EMPLOYEE BENEFITS	2,907.29	24,865.68	31,000.00	6,134.32	80.2
52-40-280 INSURANCE	.00	393.18	3,110.00	2,716.82	12.6
52-40-340 UTILITIES	.00	4,919.30	7,100.00	2,180.70	69.3
52-40-360 CONTRACT LABOR	400.00	1,600.00	15,000.00	13,400.00	10.7
52-40-440 POSTAGE	.00	.00	1,500.00	1,500.00	.0
52-40-460 MAINTENANCE AND SUPPLIES	663.62	3,341.31	12,800.00	9,458.69	26.1
52-40-470 VEHICLE EXPENSE	29.09	6,460.48	3,000.00	(3,460.48)	215.4
52-40-475 FUEL	208.86	5,967.52	13,000.00	7,032.48	45.9
52-40-480 COMPUTER EXPENSE	.00	.00	200.00	200.00	.0
52-40-516 ADEQ FEES	.00	4,500.00	4,000.00	(500.00)	112.5
52-40-610 EQUIPMENT MAINTENANCE	62.43	2,149.10	8,890.00	6,740.90	24.2
52-40-630 SEWER CHEMICALS	97.50	1,002.94	800.00	(202.94)	125.4
52-40-650 PROFESSIONAL SERVICES	406.25	16,532.50	12,000.00	(4,532.50)	137.8
52-40-702 SEWAGE POND COMPLIANCE	217.50	3,197.50	5,000.00	1,802.50	64.0
52-40-900 BAD DEBT EXPENSE	.00	.00	100.00	100.00	.0
52-40-925 MUFFIN MONSTER PAYMENT	.00	.00	3,500.00	3,500.00	.0
52-40-950 PAYMENT ON WIFA LOAN	.00	.00	25,000.00	25,000.00	.0
TOTAL SEWER EXPENDITURES	13,987.36	146,749.91	230,360.00	83,610.09	63.7
TOTAL FUND EXPENDITURES	13,987.36	146,749.91	230,360.00	83,610.09	63.7
NET REVENUE OVER EXPENDITURES	5,891.95	30,965.48	.00	(30,965.48)	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GARBAGE FUND

		<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>PCNT</u>
	<u>REVENUE</u>					
54-30-100	INTEREST EARNINGS	.00	.00	200.00	200.00	.0
54-30-200	SALES RECEIPTS	12,095.19	95,488.51	145,000.00	49,511.49	65.9
	TOTAL REVENUE	<u>12,095.19</u>	<u>95,488.51</u>	<u>145,200.00</u>	<u>49,711.49</u>	<u>65.8</u>
	TOTAL FUND REVENUE	<u>12,095.19</u>	<u>95,488.51</u>	<u>145,200.00</u>	<u>49,711.49</u>	<u>65.8</u>

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

GARBAGE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>GARBAGE EXPENDITURES</u>					
54-40-360 CONTRACT LABOR	.00	79,266.14	132,000.00	52,733.86	60.1
54-40-450 EQUIPMENT/SUPPLIES	.00	.00	500.00	500.00	.0
54-40-821 TOWN TRASH SERVICE	.00	.00	500.00	500.00	.0
54-40-850 ADMIN FEES TRANSFER TO GF	.00	4,127.18	12,200.00	8,072.82	33.8
TOTAL GARBAGE EXPENDITURES	.00	83,393.32	145,200.00	61,806.68	57.4
TOTAL FUND EXPENDITURES	.00	83,393.32	145,200.00	61,806.68	57.4
NET REVENUE OVER EXPENDITURES	12,095.19	12,095.19	.00	(12,095.19)	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

LANDFILL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
55-30-100 INTEREST EARNINGS	.00	.00	500.00	500.00	.0
55-30-200 SALES - LANDFILL	127,150.11	932,021.43	1,240,000.00	307,978.57	75.2
55-30-201 LATE PENALTIES	.00	.00	500.00	500.00	.0
55-30-205 MISC.REVENUE	140.00	680.00	600.00	(80.00)	113.3
55-30-210 TIPPING FEES	10,618.48	86,355.39	142,500.00	56,144.61	60.6
TOTAL REVENUE	137,908.59	1,019,056.82	1,384,100.00	365,043.18	73.6
<u>SOURCE 36</u>					
55-36-400 SALE OF FIXED ASSETS	.00	46,880.50	55,000.00	8,119.50	85.2
TOTAL SOURCE 36	.00	46,880.50	55,000.00	8,119.50	85.2
TOTAL FUND REVENUE	137,908.59	1,065,937.32	1,439,100.00	373,162.68	74.1

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

LANDFILL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>LANDFILL EXPENDITURES</u>					
55-40-100 PERSONNEL SERVICES	12,592.08	127,440.06	185,000.00	57,559.94	68.9
55-40-102 NEW HIRE	.00	.00	300.00	300.00	.0
55-40-105 OVERTIME	1,679.63	13,385.46	16,900.00	3,514.54	79.2
55-40-110 UNIFORM EXPENSE	336.33	2,727.39	5,000.00	2,272.61	54.6
55-40-130 EMPLOYEE BENEFITS	3,397.58	42,533.78	75,000.00	32,466.22	56.7
55-40-250 ADVERTISING	.00	.00	200.00	200.00	.0
55-40-265 BANK COSTS/FEEES	3,808.97	24,491.93	40,000.00	15,508.07	61.2
55-40-280 INSURANCE	.00	768.49	6,400.00	5,631.51	12.0
55-40-290 OFFICE SUPPLIES	.00	361.10	400.00	38.90	90.3
55-40-337 PROPERTY LEASE	47,599.42	380,795.36	592,297.29	211,501.93	64.3
55-40-338 LF FINANCIAL ASSURANCE	18,200.00	30,087.32	110,657.71	80,570.39	27.2
55-40-340 UTILITIES	57.75	5,643.67	14,000.00	8,356.33	40.3
55-40-350 SAFETY EQUIPMENT	131.13	1,074.81	1,400.00	325.19	76.8
55-40-360 CONTRACT LABOR	380.00	8,017.00	42,000.00	33,983.00	19.1
55-40-440 POSTAGE	.00	.00	1,300.00	1,300.00	.0
55-40-460 MAINTENANCE & SUPPLIES	1,008.31	6,235.44	50,000.00	43,764.56	12.5
55-40-470 VEHICLE EXPENSE	.00	17,030.60	4,500.00	(12,530.60)	378.5
55-40-475 FUEL EXPENSE	3,484.61	35,994.58	58,000.00	22,005.42	62.1
55-40-480 COMPUTER EXPENSE	.00	410.12	1,500.00	1,089.88	27.3
55-40-500 BUILDING MAINTENANCE	.00	377.20	1,500.00	1,122.80	25.2
55-40-510 LAB FEES	.00	2,558.04	6,000.00	3,441.96	42.6
55-40-515 ENGINEERING SERVICES	.00	.00	500.00	500.00	.0
55-40-516 ADEQ FEES	.00	7,080.24	13,500.00	6,419.76	52.5
55-40-610 EQUIPMENT MAINTENANCE	6,413.31	22,653.34	60,000.00	37,346.66	37.8
55-40-650 PROFESSIONAL SERVICES/AUDIT	812.50	14,625.00	18,565.00	3,940.00	78.8
55-40-660 TRAVEL - TRAVEL/TRAINING	.00	.00	500.00	500.00	.0
55-40-705 CAPITAL LEASE	.00	40,588.14	81,180.00	40,591.86	50.0
55-40-840 LANDFILL CAPITAL OUTLAY	20,039.00	20,039.00	48,000.00	27,961.00	41.8
55-40-855 METHANE MONITORING	.00	3,547.28	4,500.00	952.72	78.8
TOTAL LANDFILL EXPENDITURES	119,940.62	808,465.35	1,439,100.00	630,634.65	56.2
TOTAL FUND EXPENDITURES	119,940.62	808,465.35	1,439,100.00	630,634.65	56.2
NET REVENUE OVER EXPENDITURES	17,967.97	257,471.97	.00	(257,471.97)	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

CDBG #136.08

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>REVENUE</u>					
72-30-850	GRANT REVENUES	.00	(237.69)	.00	237.69	.0
	TOTAL REVENUE	.00	(237.69)	.00	237.69	.0
	TOTAL FUND REVENUE	.00	(237.69)	.00	237.69	.0
	NET REVENUE OVER EXPENDITURES	.00	(237.69)	.00	237.69	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

HOLIDAY FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>REVENUE</u>					
86-30-200	HOLIDAY FUND DONATION	.00	.00	4,000.00	4,000.00	.0
	TOTAL REVENUE	.00	.00	4,000.00	4,000.00	.0
	TOTAL FUND REVENUE	.00	.00	4,000.00	4,000.00	.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

HOLIDAY FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>HOLIDAY FUND EXPENDITURES</u>					
86-40-100	CHILDREN'S FUND GIFTS/FOOD	.00	198.68	4,000.00	3,801.32	5.0
	TOTAL HOLIDAY FUND EXPENDITURES	.00	198.68	4,000.00	3,801.32	5.0
	TOTAL FUND EXPENDITURES	.00	198.68	4,000.00	3,801.32	5.0
	NET REVENUE OVER EXPENDITURES	.00	(198.68)	.00	198.68	.0

TOWN OF HUACHUCA CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

BACK TO SCHOOL FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>PCNT</u>
<u>REVENUE</u>					
87-30-200 BACK TO SCHOOL FUND DONATION	.00	.00	2,000.00	2,000.00	.0
TOTAL REVENUE	.00	.00	2,000.00	2,000.00	.0
TOTAL FUND REVENUE	.00	.00	2,000.00	2,000.00	.0

TOWN OF HUACHUCA CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2021

BACK TO SCHOOL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>BACK TO SCHOOL EXPENDITURES</u>					
87-40-100 BACK TO SCHOOL EXPENSES	.00	.00	2,000.00	2,000.00	.0
TOTAL BACK TO SCHOOL EXPENDITURES	.00	.00	2,000.00	2,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	2,000.00	2,000.00	.0
NET REVENUE OVER EXPENDITURES	.00	.00	.00	.00	.0

C O N T R A C T

TOWN OF HUACHUCA CITY COMMUNITY DEVELOPMENT BLOCK GRANT #126-21 FY21 CDBG REGIONAL ACCOUNT TECHNICAL ASSISTANCE FOR COMPLETION OF PARK IMPROVEMENTS

THIS CONTRACT, made and entered into by and between the SouthEastern Arizona Governments Organization (SEAGO), 1403 W. Highway 92, Bisbee, Arizona 85603, hereinafter called the CONTRACTOR, and the TOWN OF HUACHUCA CITY, hereinafter called the TOWN.

WITNESSETH:

WHEREAS, the TOWN is expected to receive a Community Development Block Grant Contract from the State of Arizona, Department of Housing (ADOH) Regional Account for the Park Improvement Project (CDBG #126-21) and

WHEREAS, the TOWN is in need of technical assistance in administering said grant;
and

WHEREAS, the CONTRACTOR is agreeable to providing such assistance; and

WHEREAS, the TOWN is agreeable to purchasing said technical assistance;

NOW THEREFORE, the parties do mutually agree as follows:

ARTICLE I - SEAGO OFFICERS - LEGAL STATUS

- A. The officers of the CONTRACTOR's Corporate Board of Directors are: Chairman; 1st Vice-Chairman 2nd Vice-Chairman and Treasurer.
- B. The Chief Executive Officer of the CONTRACTOR is Randy Heiss, Executive Director.
- C. The CONTRACTOR's legal status is that of an Arizona not-for-profit corporation in current compliance with the requirements of the Arizona Corporation Commission and doing business as the SouthEastern Arizona Governments Organization.

ARTICLE II - SCOPE OF WORK

- A. The CONTRACTOR agrees that it will implement, in all respects, the program outlined in the attached Scope of Work (Attachment A to this Contract).
- B. The CONTRACTOR agrees to make no changes in the Scope of Work herein described without first submitting a written request to the TOWN and obtaining the TOWN'S written approval of the requested change.
- C. The CONTRACTOR shall provide all of the necessary qualified personnel, materials and facilities to implement the assistance program described herein.

ARTICLE III - PERSONNEL

The CONTRACTOR represents that it has, or will acquire, all of the qualified personnel required to perform this Contract; however, the TOWN reserves the right to assign any individual to assist in implementing the program outlined in the Scope of Work.

ARTICLE IV - LENGTH OF CONTRACT

- A. The term of this Contract shall be from the date of execution of this agreement by the TOWN, through administrative closeout of the FY21 project. This does NOT include any post close-out reporting requirements specified in the ADOH contract as "special conditions".

ARTICLE V - CONSIDERATION AND METHOD OF PAYMENT

- A. In consideration of the CONTRACTOR's satisfactory completion of all work and services required to be performed under the terms of this Contract, and in compliance with other Contract requirements herein stated, the TOWN **shall pay the CONTRACTOR THE SUM OF THIRTY-THREE THOUSAND AND FOUR-HUNDRED DOLLARS (\$33,400.00).**
- B. The TOWN shall pay said monies to the CONTRACTOR in the manner set forth below:
 - 1. THREE THOUSAND DOLLARS (\$3,000) upon notice of award of the grant for TAAP (Technical Assistance in Application Preparation).**
 - 2. FIVE THOUSAND DOLLARS (\$5,000.00) upon completion of the Environmental Review Report.**
 - 3. FIVE THOUSAND DOLLARS, (\$5,000.00) upon completion of procurement of a construction contractor.**
 - 4. TEN THOUSAND DOLLARS (\$10,000.00) thirty (30) days after the start of construction.**
 - 5. TEN THOUSAND, FOUR-HUNDRED DOLLARS (\$10,400.00) one hundred eighty (180) days after the start of construction or the remaining balance due if the project is completed.**
- C. The funds specified in Paragraph A of this Article V shall constitute full and complete payment of monies to be received by the CONTRACTOR from the TOWN for the purposes designated herein.
- D. The TOWN shall have the right to recapture of funds upon written notice to the CONTRACTOR, if the CONTRACTOR fails to comply with the terms of the Contract or conditions imposed by HUD provided that the recapture of funds shall not apply to work successfully completed by the Contract under the terms of the Contract and while in compliance with the conditions imposed by HUD.

ARTICLE VI - RETENTION OF RECORDS

- A. The CONTRACTOR shall provide such records as will fully disclose the amount and disposition of the total funds for all sources budgeted for the contract period, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as the Arizona Department of Housing shall prescribe. Such records shall be preserved by the TOWN for a period of not less than FIVE (5) years following Contract closeout.
- B. The CONTRACTOR and the TOWN shall make available to each other all financial and administrative records with respect to matters covered by this agreement at any time during normal business hours and as often as necessary.

ARTICLE VII - AUDIT

- A. The TOWN and its duly authorized representative shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the CONTRACTOR which are pertinent to this Contract and which will facilitate an effective audit.
- B. The CONTRACTOR shall maintain a group of separate records for any and all monies paid to the CONTRACTOR by the TOWN under the terms of this Contract.
- C. The CONTRACTOR shall maintain a salary schedule of employees engaged in work under terms of this Contract.

ARTICLE VIII - INTERESTS OF THE CONTRACTOR

- A. The CONTRACTOR covenants that it has no pecuniary interest, and shall not acquire any pecuniary interest direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Contract. The CONTRACTOR further covenants that in the performance of this Contract, no person having any such interest shall be employed.
- B. Any program income generated by the CONTRACTOR and derived from the program shall be awarded to the TOWN for its use in accordance with the conditions identified in 24CFR570.506.

ARTICLE IX - OFFICIAL NOT TO BENEFIT

No member of, or delegates to, the Congress of the United States of America, and no public official, shall be admitted to any share or part hereof, or to any pecuniary benefit to arise herefrom. The provisions of ARS 38-511 are incorporated herein by reference.

ARTICLE X - OTHER REQUIREMENTS

- A. The CONTRACTOR will comply with all applicable state and federal rules and regulations concerning third party contracts in connection with the carrying out of this Contract.
- B. The CONTRACTOR has a copy of the Arizona Department of Housing CDBG Program

Grant Administration Handbook, Application Handbook, Labor Standards Handbook, Procurement and Contracting Handbook and Environmental Review Handbook, and the CONTRACTOR shall comply with these existing regulations and provisions as well as future revisions.

- C. The CONTRACTOR agrees to comply with applicable statutes, regulations and Executive Orders as required by the Arizona Department of Housing as described in the attached compliance requirements (Attachment B to this Contract).
- D. The CONTRACTOR certifies that its indirect cost schedule is in accordance with the provisions of Federal Management Circular A-87.
- E. The CONTRACTOR agrees to comply with certification requirements regarding lobbying as stated in Attachment C.

IN WITNESS WHEREOF, the CONTRACTOR and the TOWN do hereby execute this Contract as of the date last signed:

SUZANNE HARVEY
TOWN MANAGER
TOWN OF HUACHUCA CITY

RANDY HEISS
EXECUTIVE DIRECTOR
SOUTHEASTERN ARIZONA
GOVERNMENTS ORGANIZATION

DATE: _____

DATE: _____

ATTEST: _____
BRANDYE THORPE, CLERK

APPROVED AS TO FORM:

THOMAS BENAVIDEZ, TOWN ATTORNEY

ATTACHMENT A

Scope of Work

The SouthEastern Arizona Governments Organization, hereinafter called the CONTRACTOR, agrees to implement the grant administration/management program for the TOWN OF HUACHUCA CITY hereinafter called the TOWN, described as follows:

The CONTRACTOR will provide that level of management needed by the TOWN for the implementation of its Community Development Block Grant (CDBG #126-21) as delineated within Arizona Department of Housing (ADOH) Contract. Such management will include the following specific work items that will be consistent with all ADOH CDBG Program requirements, as stated in Article XI, Section B. It is understood that the CONTRACTOR is not a construction "project manager".

A. The CONTRACTOR will advise the TOWN in completing all documents required to initiate the grant activity(ies).

B. The CONTRACTOR will undertake all tasks relating to the Environmental Review. The TOWN agrees to cooperate fully in this requirement.

D. The CONTRACTOR will prepare all documents for the procurement of professional services, material purchases and/or construction bids, as needed, according to CDBG program requirements and regulations, and assist the TOWN in the procurement of said materials or services.

E. The CONTRACTOR will provide compliance with all Labor Standards requirements for construction projects, if needed. The TOWN agrees to cooperate fully in this requirement.

F. The CONTRACTOR shall maintain all project records and files on behalf of the TOWN. The TOWN agrees to cooperate fully in this requirement.

G. The CONTRACTOR shall assume full responsibility for responding to all ADOH questions, concerns, findings and reports, if the TOWN cooperates and provides any and all documents requested. The TOWN agrees to do so in a timely manner.

H. The CONTRACTOR shall assist the TOWN in complying with any ADOH contract "special conditions", EXCEPT post-closeout reporting requirements and any Self-Evaluation and Transition Plans for non-profit sub-recipients. Should a "special condition" require the writing of a Self-Evaluation and Transition Plan for a non-profit sub-recipient, extra charges will be negotiated between the TOWN and the CONTRACTOR.

I. The CONTRACTOR will attend all monitoring visits made by ADOH staff.

J. The CONTRACTOR shall assist in and identify all activities leading to and including project closeout. The TOWN assumes full responsibility for meeting all ADOH requirements prior to project closeout.

ATTACHMENT B

Civil Rights Provision (3 pages)

Civil Rights Laws and Requirements

Civil Rights Act
of 1964, Title VI

Title VI of the Civil Rights Act of 1964 provides that no person shall be:

- Excluded from participation
- Denied program benefits
- Subjected to discrimination on the basis of:
 - Race
 - Color
 - National origin

Under any program or activity receiving Federal financial assistance.

Civil Rights Act
of 1968, Title VIII

Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing on the basis of:

- Race
- Color
- Religion
- Sex
- National Origin

This law requires HUD to administer its programs in a manner that affirmatively promotes fair housing.

Rehabilitation
Act of 1973,
Section 504

Section 504 of the Rehabilitation Act of 1973, as amended, no otherwise qualified individual shall, solely by reason of his or her handicap, be:

- Excluded from participation (including employment)
- Denied program benefits
- Subjected to discrimination

Under any program or activity receiving Federal funds.

It also requires each local government receiving such federal funds to:

- Conduct a self-evaluation;
- Prepare a transition plan, if appropriate;
- Ensure that its communications are accessible;
- Ensure that its employment practices are non discriminatory;

And if it has 15 or more full or part time employees, it must:

- Designate a 504 Coordinator
- Adopt a grievance procedure; and
- Comply with public notice requirements.

Age
Discrimination
Act of 1975

Age Discrimination Act of 1975, as amended, provides that no Discrimination person shall be excluded from participation, denied program Act of 1975 benefits, or subjected to discrimination on the basis of age - under any program or activity receiving Federal funds.

Americans with
Disabilities
Act of 1990

Americans with Disabilities Act of 1990 prohibits discrimination against individuals with disabilities for all state and local governments and requires them to undertake actions similar to those required by Section 504. It also contains a public accommodations portion and requires private employers not to discriminate against individuals with disabilities in terms of employment, services and accommodations.

Executive Order
11063: Equal
Opportunity in
Housing -
Lending

Executive Order 11063 provides that no person shall, on the basis of race, color, religion, sex, or national origin, be discriminated against in housing (and related facilities) provided with Federal assistance practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal Government.

Executive Order
11246:
Employment
Opportunity

Executive Order 11246, as amended, provides that no person shall be discriminated against, on the basis of race, color, religion, sex or national origin, in any phase of employment during the performance of Federal or Federally assisted construction contracts in excess of \$10,000.

Fair Housing
Act
Amendment
Title VIII

Fair Housing Act Amendments of 1988, extends the benefits of the Housing Act of 1968 to two previously unprotected groups, namely, families with children (i.e., anyone under 18) and individuals with disabilities.

Housing and Urban

Section 3 of the Housing and Urban Development Act of 1968,

Urban
Development
Act of 1968,
Section 3

as amended, provides that, to the greatest extent feasible,
opportunities for:

- Training
- Employment that arise through HUD-financed projects shall be given to lower-income residents of the project area. Section also provides that contracts awarded in connection with such projects be awarded to:
- Businesses located in the project area,
- OR -
- Businesses owned, in substantial part, by residents of the project area. (Note: The Housing and Community Development Act of 1980 defined Aproject area as the unit of local government or the metropolitan area or the non-metropolitan City in which the project is located.)

Housing and
Community
Development
Act of 1974,
Section 104

Section 104 of the Housing and Community Development Act of 1974, as amended, provides that the grantee will affirmatively further fair housing.

Housing and
Community
Development
Act of 1974,
Section 111

Section 111 of the Housing and Community Development Act of 1974, as amended, provides that no person shall be excluded from participation (including employment), denied program benefits, or Act subjected to discrimination on the basis of:

- Race
- Color
- National Origin
- Sex
- Age
- Handicap
- Religion
- under any program or activity funded in whole or in part under Title I (CDBG) of the Act.

ATTACHMENT C
Certification Regarding Lobbying

Certification for Contracts, Grants, Loans and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required Certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

- (1) If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

- (2) Submission of this statement is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required statements shall be subject to a civil penalty of less than \$10,000 and not more than \$100,000 for each such failure.

SUZANNE HARVEY
TOWN MANAGER
TOWN OF HUACHUCA CITY

RANDY HEISS
EXECUTIVE DIRECTOR
SOUTHEASTERN ARIZONA
GOVERNMENTS ORGANIZATION

DATE: _____

DATE: _____



Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.035 "TRAILERS/ACCESSORY VEHICLES" TO ELIMINATE THE REQUIREMENT TO REGISTER PARKING OF TRAILERS/ACCESSORY VEHICLES ON RESIDENTIAL PROPERTY AND TO ELIMINATE THE ASSOCIATED FEE.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, pursuant to A.R.S. 9-462.01 (A), the Town is empowered to adopt and amend zoning regulations; and

WHEREAS, the Town Council has determined that it would be in the best interest of the health, safety and welfare of the Town's residents to revise the Town's zoning regulations pertaining to parking trailers and accessory vehicles in the R-1 residential zoning district; and

WHEREAS, a public hearing was held on March 15, 2021, to receive public comment, pro and con, for adopting the following Code amendment; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on March 25, 2021, and at a subsequent meeting on April 8, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 18 "ZONING," Chapter 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.035 "Trailers/accessory vehicles," subsection (C)(2), is amended as follows with deletions in ~~strikeout text~~ and additions in underlined text:

~~2. Any resident that wishes to park a trailer/accessory vehicle in a location other than their back yard, garage or carport must register the vehicle with the town clerk as to include the name, year and make of the trailer, the number of the license plate attached to the trailer, the name of the issuing state, proof of current registration and pay a registration fee due to the town of Huachuca City as outlined in this title. All residents~~

~~are limited to a single registered trailer/accessory vehicle and it must adhere to the following provisions~~ A second vehicle may be parked in a location other than the backyard, garage or carport, as long as it meets the following provisions:

SECTION 2 The Code, Title 18 “ZONING,” Chapter 18.150 “FEES,” Section 18.150.010 “Planning and Zoning Fees,” is amended by deleting, “Trailer/Accessory Vehicle Registration Per Year Fee of \$35” from the last row of the fee schedule.

SECTION 3 All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 4 If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 5 The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 8TH DAY OF APRIL, 2021.

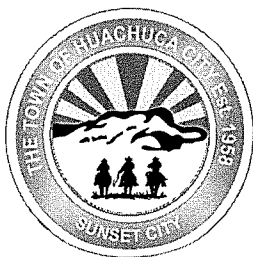
Johann Wallace, Mayor

ATTEST:

Brandye Thorpe, Town Clerk

Approved as to Form:

Thomas Benavidez, Town Attorney



Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616

Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 “ZONING,” RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA, MEDICAL MARIJUANA AND INDUSTRIAL HEMP; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; PROHIBITING MARIJUANA TESTING FACILITIES; REGULATING MARIJUANA ESTABLISHMENTS; ESTABLISHING REGULATIONS FOR PERSONAL USE OF MARIJUANA AT AN INDIVIDUAL’S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA, MARIJUANA PRODUCTS AND INDUSTRIAL HEMP; REQUIRING COMPLIANCE WITH STATE LICENSING REGULATIONS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING PURPOSES; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, pursuant to A.R.S. 9-462.01 (A) and 9-240(B)(19), the Town is empowered to adopt and amend zoning regulations and issue business licenses; and

WHEREAS, marijuana contains tetrahydrocannabinol (“THC”), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 *et al.* and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 *et al.*; and

WHEREAS, the Arizona Medical Marijuana Act, Arizona Revised Statutes Sections § 36-2801 *et al.*, and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries in the Town according to a prescribed statutory and regulatory process; and

WHEREAS, the statewide ballot measure I-23-2020, known as “Smart and Safe Arizona Act” has been certified as Proposition 207 and placed on the November 3, 2020, general election ballot and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years of older; allowing a nonprofit medical marijuana

dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants; and

WHEREAS, the Town Council finds that Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other Town departments to respond to violations of state and local laws, including building, electrical and fire codes;

WHEREAS, the Agricultural Improvement Act of 2018, Pub. L. No 115-334, 132 Stat 4490 authorizes the growth or cultivation of industrial hemp with a tetrahydrocannabinol (“THC”) concentration of not more than three-tenths percent (0.300%) on a dry-weight basis and removes industrial hemp from Schedule I of the Controlled Substances Act; and

WHEREAS, the federal law did not preempt or limit a state from regulating the production of hemp in a more stringent manner (7 U.S.C. § 1639p) and state law allows the commercial growth, cultivation, and marketing of industrial hemp with a THC concentration of not more than 0.300% percent on a dry-weight basis pursuant to Arizona Revised Statutes § 3-312; and

WHEREAS, industrial hemp is an agricultural product subject to regulation by the Department of Agriculture and Arizona Revised Statutes § 3-313 directs the Department to adopt rules pursuant to Title 41, Chapter 6 of the Arizona Revised Statutes, to oversee the licensing, production, and management of industrial hemp and hemp seed in Arizona; and

WHEREAS, the Town is authorized to enact and enforce reasonable zoning regulations on the production of industrial hemp pursuant to applicable state law, including Arizona Revised Statutes Sections 3-313 and 9-462.01, and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code; and

WHEREAS, the Town recognizes that the cultivation of industrial hemp creates opportunities for economic development and agricultural vitality; and

WHEREAS, industrial hemp and cannabis are derivatives of the same plant, cannabis sativa L., and the appearance of industrial hemp and cannabis cannot be distinguished under their legal definitions without a laboratory performed chemical analysis for THC content; and

WHEREAS, the Town seeks to protect public health, safety, and welfare through a reasonable regulatory program of industrial hemp that does not interfere with the lawful use of marijuana or the lawful regulation of marijuana in Arizona; and

WHEREAS, a public hearing was held on March 15, 2021, to receive public comment, pro and con, for adopting the following Code amendments; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on March 25, 2021, and at a subsequent meeting on April 8, 2021.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 18 “ZONING,” Chapters 18.75, 18.80 and 18.85, affecting the “General Business/Commercial District,” Light Industrial District” and “Heavy Industrial and Mining Zone” are amended as follows:

Amend Section 18.75.020 Permitted Uses (B/C – General Business/Commercial District) by adding subsection “O. Recreational marijuana establishment” and subsection “P. Retail sale of industrial hemp products.”

Amend Section 18.75.100 Medical marijuana dispensary by deleting entire Section.

Amend Subsection 18.80.040(C) Permitted Use (C-2 – Light Industry District) by adding “or recreational marijuana establishment.”

Amend Subsection 18.80.040(D) Permitted Use (C-2 – Light Industry District) by deleting all wording and replacing with “Medical marijuana dispensary offsite cultivation and/or infusion site.”

Amend Section 18.80.040 Permitted Use (C-2 – Light Industry District) by adding subsection “E. Industrial hemp cultivation site.”

Amend Section 18.80.060 Additional regulations by deleting entire subsection “C. Medical marijuana dispensary.”

Amend Subsection 18.85.010B Uses permitted (C-3 – Heavy Industrial and Mining Zone) by deleting all wording and replacing with “Medical marijuana dispensary offsite cultivation/infusion site or industrial hemp cultivation site.”

SECTION 2. The Code, Title 18 “ZONING,” Chapter 18.100 “SUPPLEMENTAL REGULATIONS,” is amended by adding new Section 18.100.270 to the Code entitled “Marijuana Uses” reading as follows:

18.100.270 Marijuana Uses.

A. Purpose. This Section is adopted to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the Town

enacts reasonable regulations and requires compliance with zoning laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment and the cultivation, processing and manufacturing of marijuana in a primary residence. Nothing in this Section is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

B. Definitions.

1. "Chemical Extraction" means the process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.
2. "Chemical Synthesis" means production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.
3. "Community Center, Public" means a building owned by the Town that is open to the public and is used for meetings, recreation, or social activities and may have outdoor recreational facilities.
4. "Consume" "Consuming" and "Consumption" means the act of ingesting, inhaling or otherwise introducing marijuana into the human body.
5. "Consumer" means an individual who is at least twenty-one years of age and who purchases marijuana or marijuana products.
6. "Cultivate" and "Cultivation" means to propagate, breed, grow, prepare and package marijuana".
7. "Deliver" and "Delivery" mean the transportation, transfer or provision of marijuana or marijuana products to a consumer at a location other than the designated retail location of a marijuana establishment.
8. "Department" means the State of Arizona Department of Health Services or its successor agency.
9. "Dual Licensee" means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.
10. "Enclosed Area" mean a building, greenhouse, or other structure that has:
 - a. A complete roof enclosure supported by connecting walls that are constructed of solid material extending from the ground to the roof;
 - b. Is secure against unauthorized entry;
 - c. Has a foundation, slab or equivalent base to which the floor is securely attached; and
 - d. Meets performance standards ensuring that cultivation and processing activities cannot be and are not perceptible from the structure in terms of not being visible from public view without using binoculars, aircraft or other optical aids and is equipped with a lock or other security device that prevents access by minors.

11. "Extraction" means the process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents or other chemicals or chemical processes.
12. "Manufacture" and "Manufacturing" means to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
13. "Marijuana"
 - a. Means all parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
 - b. Includes cannabis as defined in A.R.S. § 13-3401.
 - c. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
14. "Marijuana Concentrate"
 - a. Means resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.
 - b. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.
15. "Marijuana Establishment" means an entity licensed by the Department to operate all of the following:
 - a. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 - b. A single offsite cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 - c. A single offsite location at which a licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
16. "Marijuana Products" means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments and tinctures.
17. "Marijuana Testing Facility" means the Department or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.

18. "Medical Marijuana" means all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition.
19. "Medical Marijuana Cultivation" means the process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and offsite from a medical marijuana dispensary.
20. "Medical Marijuana Dispensary" means a not-for-profit entity, defined in A.R.S. § 36-2801.11, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies, and educational materials to medical marijuana qualifying patients.
21. "Medical Marijuana Dispensary Offsite Cultivation Site" means the additional location where marijuana is cultivated by a medical marijuana dispensary as referenced in A.R.S. § 36-2804.B, 1(b)(ii).
22. "Medical Marijuana Infusion Facility" means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.
23. "Open Space" means a public park, public sidewalk, public walkway or public pedestrian thoroughfare.
24. "Person" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
25. "Process" and "Processing" means to harvest, dry, cure, trim or separate parts of the marijuana plant.
26. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, healthcare facilities, hotel and motel common areas, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility or a home-based business that has employees and/or customers visit the residence.
27. "Smoke" means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

C. Marijuana Testing Facility Prohibited. To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in the Town.

D. Marijuana Prohibited on Public Property

1. The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by the Town.
2. It shall be unlawful for an individual to smoke marijuana in a public place or open space in the Town.

E. Application Requirements. Prior to the establishment of a marijuana establishment, medical marijuana dispensary or medical marijuana cultivation and/or infusion facility, the applicant shall provide the Town with the following information:

1. The name and location of any associated offsite medical marijuana cultivation or infusion facility associated with the cultivation operation.
2. A copy of the Department operating procedures for medical marijuana dispensaries and medical marijuana cultivation and infusion facilities adopted in compliance with A.R.S. 36-2804B(1)(c).
3. The location of the nearest marijuana establishment, medical marijuana dispensary, cultivation and/or infusion facility if within 2000' even if located outside Town limits.
4. A site plan showing the exterior features of the building to include the parking lot, landscaping, driveways, sidewalks, and accessible parking spaces.
5. A floor plan indicating all entrances, sales areas, waiting rooms, dispensary areas, storage areas, cultivation and manufacturing areas, as well as the separate enclosed, locked and secured area for dispensing medical marijuana to qualified patients or designated caregivers, as required by the Arizona Medical Marijuana Act. The primary entrance should be kept clear of barriers, landscaping, and similar obstructions so that it is clearly visible from public streets, sidewalks or driveways.
6. Building permits for occupancy change, if necessary.
7. A security plan that provides for adequate lighting, alarms, security cameras, and locks in order to ensure the safety of persons and to prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.
8. A ventilation and filtration plan to prevent the emission of dust, fumes, vapors or odors into the environment from the facility.
9. For a marijuana establishment that engages in cultivation or manufacturing, shall submit a written operations plan to the Town that outlines the following:
 - a. Procedures showing that the marijuana cultivation will be conducted in accordance with State and local laws, and regulations regarding use and disposal of pesticides and fertilizers.

- b. The legal water source, irrigation plan, wastewater systems to be used, and projected water use.
- c. The plan for addressing odor and other public nuisances that may derive from the establishment.

F. Developmental and Locational Requirements for Marijuana Establishments and Medical Marijuana Dispensaries.

1. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
2. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
3. Shall not be more than two marijuana establishments and/or dispensaries operating within the Town at any given time. An establishment with a dual license location within the same building shall be counted as one establishment.
4. Shall be located in a permanent building with an established foundation adhering to Town adopted building codes. It may not be located in a kiosk, cargo trailer or motor vehicle.
5. Shall be a maximum size of 4900 gross square feet. Maximum square footage may be expanded subject to a Conditional Use permit application and hearing procedures set forth under Town Code.

G. Operational Requirements for Marijuana Establishments and Medical Marijuana Dispensaries.

1. Shall not sell marijuana or marijuana products except as permitted by State Law to consumers.
2. Marijuana shall not be consumed on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking lot, or parking areas that are part of the approved location.
3. Shall have operating hours no earlier than 10am or later than 6pm. After hours and during hours of darkness, the building, property, and adjacent right-of-way and parking lot shall be illuminated, so that all areas are readily visible by law enforcement personnel.
4. A "No Loitering" sign shall be posted on the front exterior of the premises.

5. Drive-thru services and offsite deliveries of marijuana or marijuana products is prohibited.
6. Shall provide for the proper disposal of marijuana remnants or by-products and such shall not be placed in the facility's exterior refuse containers, any Town refuse container, bin or other Town facility, or in any park refuse container or any other property's refuse container.
7. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted buildings codes of the Town.
8. Shall not display or keep marijuana or marijuana products that are visible from the outside of the premises.
9. Shall comply with applicable laws to safely and securely engage in the extraction process.

H. Developmental and Locational Requirements for Medical Marijuana Cultivation or Infusion Facilities.

1. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the property line of the protected use.
2. Shall not be located within 1000' from a residential zoned property. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
3. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
4. Shall only be located in an enclosed locked building.

I. Operational Requirements for Medical Marijuana Cultivation Site or Infusion Facilities.

1. Shall only be accessible to registered nonprofit medical marijuana dispensary agents associated in the registry with a nonprofit medical marijuana dispensary.

2. Marijuana shall not be consumed on the premises of the cultivation site or infusion facility. The term “premises” includes the actual building, as well as any accessory structures, parking lots or parking areas which are part of the approved location.
3. During hours of darkness, shall be illuminated in all areas of the premises, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.
4. Shall not emit dust, fumes, vapors or odors into the environment from the facility and shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted buildings codes of the Town.
5. Shall provide for the proper disposal of marijuana remnants or by-products and such shall not be placed in the facility’s exterior refuse containers, any Town refuse container, bin or other Town facility, or in any park refuse container or any other property’s refuse container.

J. Retail Sales of Marijuana and Marijuana Products. To the fullest extent allowable by law, the sale of marijuana and marijuana products is authorized within the Town from a properly licensed marijuana establishment and its tangible personal property as defined in A.R.S. § 42-500 and subject to the transaction privilege tax in the retail classification and use tax.

K. Individual’s Primary Residence for Personal Use. To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation and cultivation is permitted in a residential zoning district in the Town and is subject to the following conditions and limitations:

1. It shall be unlawful for any individual who is at least twenty-one (21) years of age to possess, transport, cultivate or process more than six (6) marijuana plants at the individual’s primary residence.
2. It shall be unlawful for two or more individuals who are at least twenty-one (21) years of age to possess, transport, cultivate or process more than twelve (12) marijuana plans at the individual’s primary residence.
3. Except as provided by A.R.S. § 36-2801 *et. al.* and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the Town limits.
4. Individuals shall not process or manufacture marijuana by means of any liquid or gas other than alcohol that has a flashpoint below one hundred (100) degrees Fahrenheit.
5. Kitchen, bathroom, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing or cultivation.

6. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of the adopted building codes of the Town.
7. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
8. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft or other optical aids.

L. Violations.

1. It shall be unlawful to smoke, display, consume, sell or distribute, store, cultivate, manufacture, or produce marijuana or marijuana products on property that is occupied, owned, controlled or operated by the Town.
2. It shall be unlawful and a violation of this Section for a person to sell, cultivate, process, manufacture or transport marijuana or marijuana products if the person fails to meet all the requirements in this Section and State law, including the Department's rules.
3. It is a violation of this Section for any person to provide false information on any application.
4. Each day any violation of any provision of this Section shall continue shall constitute a separate offense.

M. Enforcement; Penalties.

1. The business license may be revoked by the Town for violation of any provision of this Section, for any violation of the requirements of this Section, or if the Department revokes the license for a marijuana establishment, medical marijuana dispensary or medical marijuana offsite cultivation/infusion facility. If a business license is revoked, the permittee shall have the right to appeal the decision of the Town to the Board of Adjustment as outlined in the Town Code.
2. Violations of this Section are in addition to any other violations enumerated within the Town ordinances or the Town Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this Section, which is also a violation of any other ordinance or Code provision of the Town or federal or state law. Conviction and punishment of judgement and civil sanction against any person under this Section shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited

structures or improvements, and shall not prevent the enforced correction or removal thereof.

3. Violations of this Section may be criminal or civil. First offense: civil \$100 fine; second offense: civil \$300.00 fine; third and subsequent offenses: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.
4. Citations for civil and criminal violations of this Section may be filed in the Huachuca City Magistrate Court by the Police Department or the Town Attorney.

SECTION 3. The Code, Title 18 "ZONING," Chapter 18.100 "SUPPLEMENTAL REGULATIONS," is amended by adding new Section 18.100.280 to the Code entitled "Cultivation of Industrial Hemp" reading as follows:

18.100.280 Cultivation of Industrial Hemp.

A. **Purpose.** This Section is adopted to protect the health, safety, and welfare of the community of Huachuca City by enacting reasonable regulations for the cultivation of industrial hemp by requiring compliance with applicable zoning laws. Nothing in this Section is intended to promote or condone the sale, distribution, possession, or use of marijuana in violation of any applicable law.

B. **Definitions.** The following words and phrases, wherever used in this Section, shall be construed as defined in this Section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

1. "Applicant" means the person who applies for a conditional use permit pursuant to this Section.
2. "Department" means the State of Arizona Department of Agriculture.
3. "Designated agent" means the person designated by the applicant to receive notices from the Town of Huachuca City pursuant to this Section.
4. "Grower" means an individual, partnership, company, or corporation that propagates industrial hemp under Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
5. "Harvester" means an individual, partnership, company, or corporation that is licensed by the State of Arizona Department of Agriculture to harvest industrial hemp for a licensed grower.

6. "Hemp Products" means all products made from industrial hemp, including cloth, cordage, fiber, fuel, grain, paint, paper, construction materials, plastics, and by-products derived from sterile hemp seed or hemp seed oil. Hemp products exclude any product made to be ingested except food made from sterile hemp seed or hemp seed oil.
7. "Hemp Seed" means any viable cannabis sativa L. seed that produces an industrial hemp plant that is subject to Title 3, Chapter 2, Article 4.1 of the Arizona Revised Statutes and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
8. "Industrial Hemp" means any viable cannabis sativa L. and any part of such a plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.300% percent on a dry-weight basis.
9. "Industrial Hemp Site" means the location in which a grower, harvester, transporter, or processor possesses a crop, a harvested crop, or hemp seed.
10. "Nursery" means real property or other premises on or in which industrial hemp stock is propagated, grown, or cultivated and intended for sale, gift, or propagation, either cultivated or collected in the wild, or from which source industrial hemp stock is offered for distribution or sale.
11. "Permit" means a conditional use permit issued in accordance with Chapter 18.20 of the Town Zoning Code.
12. "Permittee" means the person who applied for a conditional use permit pursuant to this Section and in whose name such permit was issued by the Town of Huachuca City pursuant to this Section.
13. "Person" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.
14. "Processor" means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of Agriculture to receive industrial hemp for processing into hemp products or hemp seed.
15. "Town" means the Town of Huachuca City.
16. "Transporter" means an individual, partnership, company or corporation that is licensed by the State of Arizona Department of Agriculture to transport industrial hemp for a state-licensed grower to a processor.

C. Compliance with State Licensing Requirements.

1. It shall be unlawful for any person to grow, harvest, transport or process Industrial Hemp, or propagate eligible seed and propagative materials for planting in the Town without having first obtained a valid license from the Department pursuant to A.R.S. § 3-314 and Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

2. It shall be unlawful for a person to grow, harvest, process, or store Industrial Hemp in any residential dwelling pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

D. Permit Requirements.

1. It shall be unlawful for a Person to grow, harvest, transport, or process Industrial Hemp at any location within the Town without first obtaining a conditional use permit from the Town in accordance with the provisions of the Zoning Code Chapter 18.20, including any application and review procedures pursuant to Section 18.20.060.

2. A Permit shall not be issued unless the Applicant provides a legible copy of the proper valid license issued by the Department authorized under the Industrial Hemp Program. A suspended or revoked license is not a valid license.

3. A Permit shall not be issued unless the Applicant provides a legible copy of the valid fingerprint clearance card issued by the Arizona Department of Public Safety pursuant to A.R.S. § 41-1758.07 and required by the Department pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.

4. The Applicant shall comply with the requirements of this Section.

5. The Applicant shall notify the Town within 72 hours if the Department imposes a corrective action plan on the Applicant or suspends or revokes the Applicant's license.

6. A Permit issued pursuant to this Section, including a renewal of a Permit, is valid for a period of one (1) year from the date of issuance if the Permittee is in compliance with this Section. The Permit is nontransferable.

E. Developmental and Locational Requirements for Industrial Hemp Cultivation Facilities.

Industrial Hemp cultivation facilities are subject to the following conditions and limitations:

1. May be permitted as a conditional use in a C-2 or C-3 zoning districts and shall not be authorized to grow, harvest, process, or store Industrial Hemp in any area zoned for residential use.

2. Shall not be located within 1000' from a preschool, kindergarten or other school or educational facility that caters to children, childcare facility, places of worship, public community center, or public park. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the property line of the protected use.

3. Shall not be located within 1000' from a residential zoned property. The distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation and/or infusion business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
4. Shall not be located within 1000' of a building with the same type of use. The distance shall be measured from the exterior walls of the buildings or portion thereof in which the businesses are conducted or proposed to be conducted.
5. Shall only be located in an enclosed locked building.

F. Operational Requirements for Industrial Hemp Cultivation Facilities.

1. During hours of darkness, all areas of the premises shall be illuminated, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.
2. Except as otherwise provided in A.R.S. § 9-462.01, disposal of agricultural composting from Industrial Hemp shall not be allowed in any trash can or bin located within the Town limits, any Town facility, or in any park refuse container unless authorized by the Town.
3. Must eliminate the smell or odor of Industrial Hemp, or unusual smells or odors generated by or connected to such storage or processing and not generally found in a residential environment, so that such odors cannot be detected by a person with a normal sense of smell from a minimum distance of ten (10) feet of a building's exterior or at the property's boundaries, whichever distance is less, except during periods while a door is open for the purpose of transporting Industrial Hemp not to exceed fifteen (15) minutes per period.
4. No vehicle used to transport Industrial Hemp to or from an Industrial Hemp site shall park in any residential zone or be left unattended on any public street, sidewalk, alley or other public right-of-way in the Town. In addition to any penalty provided in this Section, any vehicle which is parked in violation of this subsection may be towed and impounded, or the contents of said vehicle may be removed and impounded or destroyed. Reasonable charges may be made for towing, content removal, and impounding.
5. Exterior inspections by the Town Code Official or a designee may be conducted any time during regular business hours.

G. Retail Sales from Industrial Hemp.

The sale of Industrial Hemp products is authorized within the Town limits in accordance with all applicable zoning regulations. Industrial Hemp and Industrial Hemp products are taxable to the end user under the retail classification of the transaction privilege tax.

H. Fees.

1. The fee for the conditional use permit shall be according to the fee schedule established in Section 18.150.010 of the Zoning Code.
2. The conditional use permit shall be renewed annually. The fee for the annual renewal shall be half the original conditional use permit application fee.

I. Violations.

1. It shall be unlawful for a person to grow, harvest, process, or transport Industrial Hemp if the person fails to meet all the requirements in this Section or state law, including the Department's rules regulating the Industrial Hemp Program pursuant to Title 3, Chapter 4, Article 10 of the Arizona Administrative Code.
2. It is a violation of this Section for any person to provide false information on any application.
3. Each day any violation of any provision of this Section shall continue shall constitute a separate offense.

J. Enforcement; Penalties.

1. The Permit may be revoked by the Town for violation of any provision of this Section, for any violation of the requirements of this Section or the Permit, or if the Department revokes the license for the Hemp Cultivation Facility. If a Permit is revoked, the Permittee shall have the right to appeal the decision to the Town Board of Adjustment as outlined in Section 18.145.040 of the Town Zoning Code.
2. Violations of this Section are in addition to any other violation enumerated within Town ordinances or the Huachuca City Municipal Code and in no way limits the penalties, actions or abatement procedures which may be taken by the Town for any violation of this Section, which is also a violation of any other ordinance or Code provision of the Huachuca City Municipal Code or federal or state law. Conviction and punishment of judgment and/or civil sanctions against any person under this Section shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
3. Violations of this Section may be criminal or civil. First offense: civil \$100 fine; second offense: civil \$300.00 fine; third and subsequent offenses: criminal class 1 misdemeanor, punishable as determined by the court, not to exceed \$2,500 fine, six months in jail and three years' probation.

4. Citations for civil and criminal violations of this Section may be filed in the Huachuca City Magistrate Court by the Police Department or the Town Attorney.

SECTION 4. The Recitals in this Ordinance are incorporated herein by this reference.

SECTION 5. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 6. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 7. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 8. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 8TH DAY OF APRIL, 2021.

Johann Wallace, Mayor

ATTEST:

Brandye Thorpe, Town Clerk

Approved as to Form:

Thomas Benavidez, Town Attorney